



Department
for Transport

Independent Complaints Assessors

Annual Report, 2024-25



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To the Permanent Secretary of the Department for Transport, Ms Jo Shanmugalingam.

We are pleased to submit our Annual Report covering the period April 2024 to March 2025.

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Independent Complaints Assessors

Foreword

This year has been the year of greatest change – and greatest challenge – for the ICA scheme since its inception. There are now nine substantive ICAs – all of us Public Appointees, contracted to the Department for Transport on a part-time basis – rather than the two ICAs, working more or less full-time despite our contracts, which had been the case for the past decade.

This expansion in the number of ICAs became necessary because of rapidly increasing demand for ICA reviews at a time when neither of the existing ICAs could stretch their capacity for DfT work even further.

As we explain later in this report, the volume of incoming complaints set a new record in 2024-25 with 425 referrals.

Moving from a system with just two ICAs to one with nine (plus an associate ICA, Alex Oram) has required us to adapt new procedures, and we are all conscious of the need to ensure consistency of outcome. But one of the great merits of having a larger team is that the range of experience and expertise has also increased. Each of the new ICAs has different skills and approaches from which we are all learning.

We thank the DfT public bodies for their forbearance whilst new ICAs were embedded, particularly the DVLA who arranged all ICAs to visit their offices in Swansea to meet their complaints teams and understand their processes.

Having said that, we must also acknowledge that, coincidental with the transformation of the ICA scheme, the service to complainants in this reporting year deteriorated significantly. Only 51 per cent of complaint reviews were completed within our three-month time target, and we had to introduce a queuing system for incoming work. Pleasingly, most complainants have understood the problems we have faced and have shown commendable patience. And by the end of the reporting year, there were the first signs of a turnaround with outgoing work exceeding the number coming in. Where possible, we have prioritised complaints that seemed capable of an early resolution or where – in contrast – it was immediately clear that we would be unable to assist the complainant given the terms of their grievance.

Delay is a regrettable feature of many complaint-handling bodies, but the DVSA has now overcome the problems that we referred to a year ago that had meant that many of their ICA referrals were outside the 15-day target that applies to all DfT public bodies. However, there have continued to be delays in the DVLA – meaning that their internal complaint handling is routinely not meeting the 10-day target for a reply.

Nevertheless, our impressions of the DVLA's revised complaints procedure that came into effect early in the reporting year continue to be generally favourable. All formal complaints now immediately engage step 1. While the quality of these step 1 replies is variable, it is much clearer to complainants what stage they have reached in the process. At step 2, we commend the efforts of the DVLA complaints team to resolve grievances – even at the point of ICA referral – albeit the latter may appear to be an informal step 3 in the process. The aim of course should be to resolve grievances at the earliest possible stage and all those answering complaints should feel empowered to do so.

As noted, we received 425 cases in 2024-25 compared with 370 a year earlier (an increase of 14.8 per cent). We completed 357 reviews. However, at the end of the reporting period, there remained 112 cases that had been received but not completed, including 80 that had yet to be allocated to an ICA. Manifestly, it is our objective in 2025-26 to reduce this work-in-hand to more manageable numbers, thereby greatly improving the service to customers.

As well as detailing our complaints handling, this annual report reproduces at Appendix 1 our latest terms of reference taking effect from July 2025. We think it most helpful to readers to reproduce the latest iteration of the terms of reference rather than those that applied during the twelve months covered by this report.

In Appendix 2, we report the overall complaint volumes received by the DfT and its public bodies. (For the avoidance of doubt, this is not data that has been validated by the ICAs, but the DfT ask us to include it for reasons of transparency. The data is not published elsewhere.)

We would like publicly to express our gratitude to the DfT and its public bodies for the support they offer for our work, and for the manner in which they have helped us to adapt to new circumstances in 2024-25.

1: Overview of our year's work

Incoming cases

- 1.1 Some 425 new cases were referred to us, compared to 370 in 2023-24 and 341 in 2022-23. This amounted to a 14.8 per cent increase, comparing year-on-year (last year's increase was 8.5 per cent).
- 1.2 The totals have ranged between 323 and 386 for the past five years. Breaking the 400 mark by some margin therefore takes us into new territory
- 1.3 We provide an overview of our 2024-25 incoming caseload, compared to 2023-24, in Table 1.1.

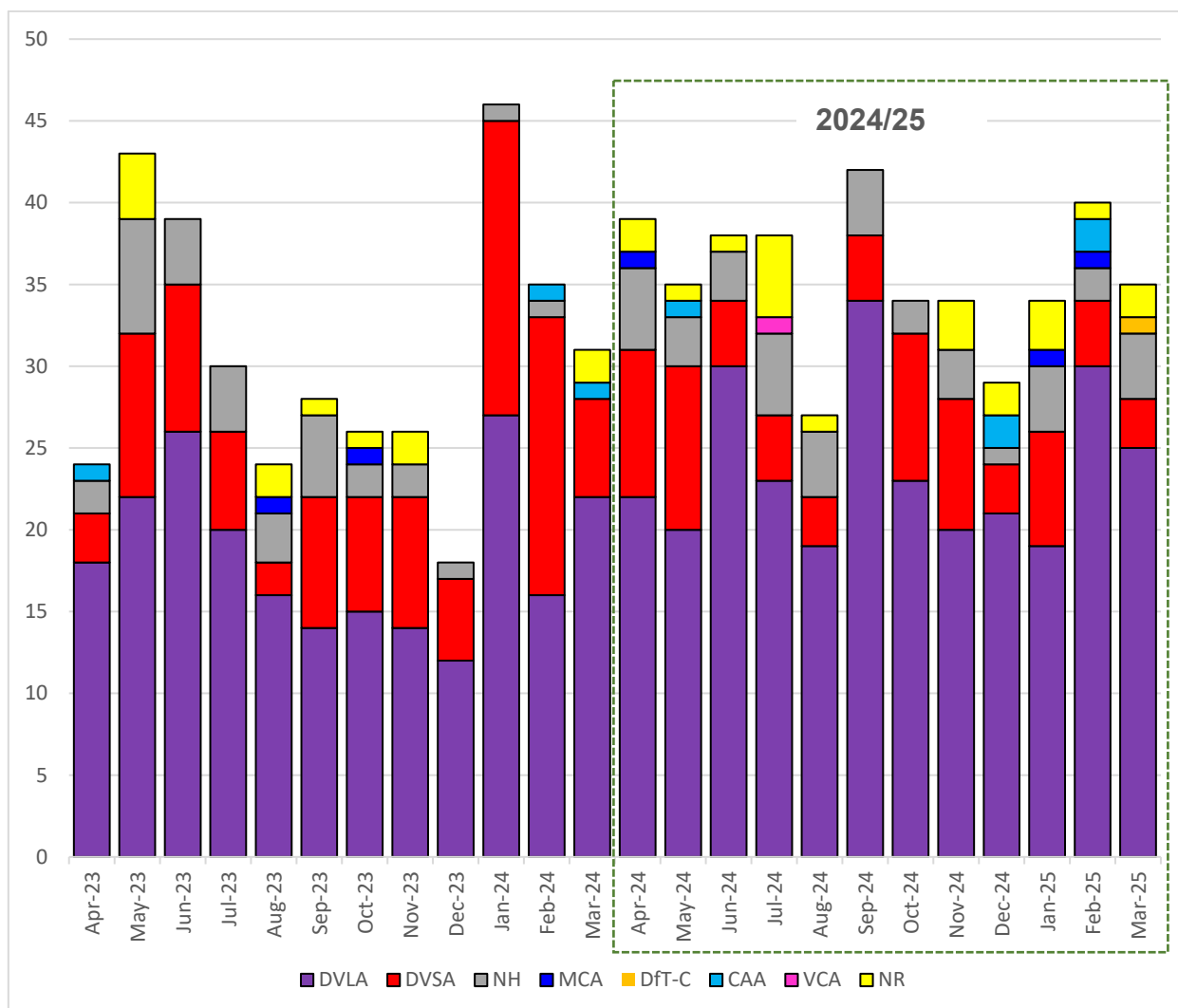
Table 1.1: Cases received 2024-25, main complaint areas, and changes since 2023-24

	Referrals	Main complaint area	Change from 23-24
DVLA	286	Drivers Medical (22%)	+29%
DVSA	68	Driving test conduct/outcome (40%)	-31%
NH	40	Dart Charge (35%)	+25%
NR	21	Vegetation management (29%)	+9 cases
CAA	5	N/A	+2 cases
MCA	3	N/A	+1 case
VCA	1	N/A	+1 case
DfTc	1	N/A	+1 case
HS2	0	N/A	Same
Total	425		+15%

- 1.4 286 of the year's cases came from the DVLA (67.3 per cent), a 29 per cent increase from 2023-24. This year's is the highest ever annual intake from the DVLA (pipping 2019-20's 282 referrals from the Agency – albeit that year's tally would likely have surpassed 2024-25's had the pandemic not intervened).
- 1.5 Aside from the spike in DVLA referrals, the in-year reduction in DVSA cases at stage 3 is noteworthy (from 99 in 2023-24, to 68 this year – 31 per cent down). Network Rail referrals are up over the same period (from 12 to a record 21), and complaints about National Highways are also up (from 32 to 40, still at the lower end of the average over the last few years).
- 1.6 HS2 Ltd has not referred a case to us since September 2021, and the CAA's and MCA's annual numbers remain in low single figures. Meanwhile, in July 2024, the VCA referred the first case to us in four years.

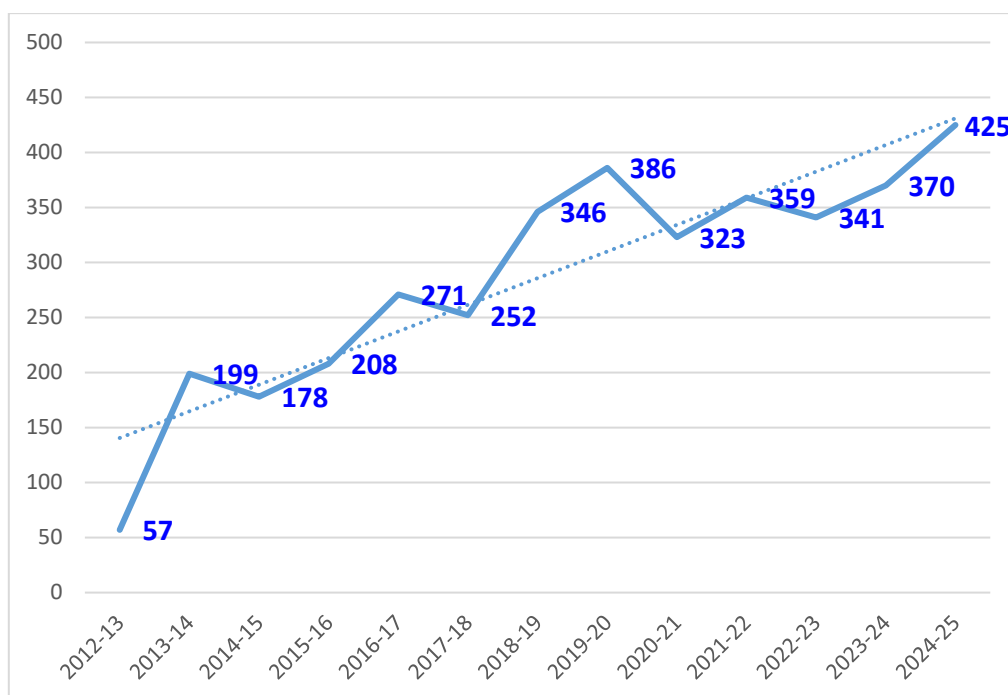
1.7 In Figure 1.1, we summarise the last two years' incoming cases per month, by public body.

Figure 1.1: Cases received by month, 2023-2025



1.8 Figure 1.2 (overleaf) illustrates the underlying upward trend in ICA referrals, confirming our prediction last year that over 400 cases would be referred to us.

Figure 1.2: Cases received by year, 2012/13-2024/25



Completed cases and outcomes

1.9 During the year we completed 357 reviews (compared with 382 reviews in 2023-24).

1.10 To our knowledge, no complaints about our handling were accepted by the Parliamentary and Health Service Ombudsman (PHSO).

1.11 We summarise our 357 case outcomes in 2024-25 compared to last year in Table 1.2.

Table 1.2: Case outcomes, 2024-25 (compared with 2023-24)

	Cases 2024-/25	%	2023-/24
Not Upheld	220	61.7	220 (58%)
Partially upheld	109	30.5	141 (37%)
Discontinued/Quick resolution	25	7.0	16 (4%)
Fully Upheld	3	0.8	5 (1%)
Total	357	100	382

1.12 In Table 1.3, we summarise the outcomes of all our 357 completed cases by DfT public body. In 41 per cent of cases, we made a recommendation, having upheld 31 per cent of complaints to some extent.

Table 1.3: Outcomes of closed cases by ICAs 2024-25, by public body

DfT public body	Closed cases	Upheld?				% Upheld to some extent		Further action proposed?
		Full	Part	Not	Disc.*	24-25	23-24	
DVLA	246	0	71	150	23	29%	34%	99 (40%)
DVSA	60	1	21	37	1	38%	52%	25 (41%)
NH	27	1	14	12	0	55%	28%	19 (70%)
NR	19	0	3	16	0	16%	25%	4 (21%)
CAA	4	0	0	3	1	0%	100%	0 (0%)
MCA	2	0	0	2	0	0%	50%	0 (0%)
VCA	1	1	0	0	0	100%	-	1 (100%)
DfTc	0	0	0	0	0	-	25%	N/A
HS2 Ltd	0	0	0	0	0	-	-	N/A
TOTAL	357	3	109	220	25	31.3%	38%	148

* Discontinued, or resolved, with the agreement of the complainant, without a formal ICA report.

1.13 Our single main recommendation areas are shown below:

- Consolatory payments (80)
- Improve information/advice, better explanation (24)
- Improve complaint handling (8)
- Apologies (5)
- Compensation and consolatory payments (4)
- Improve systems (3)
- Compensation only (2)
- Review decision (11)
- Training (1)
- Other (10)

1.14 The total consolatory payments we recommended amounted to £19,988. This compares with £15,689 in 2023-24, £20,232 in 2022-23, £14,607 in 2021-22, and £12,481 in 2020-21. We apply the guidance offered by the PHSO in its publication, *Our guidance on financial remedy*, while also referring to HM Treasury's *Managing Public Money*, and the PHSO's *UK Central Government Complaint Standards and Principles*.

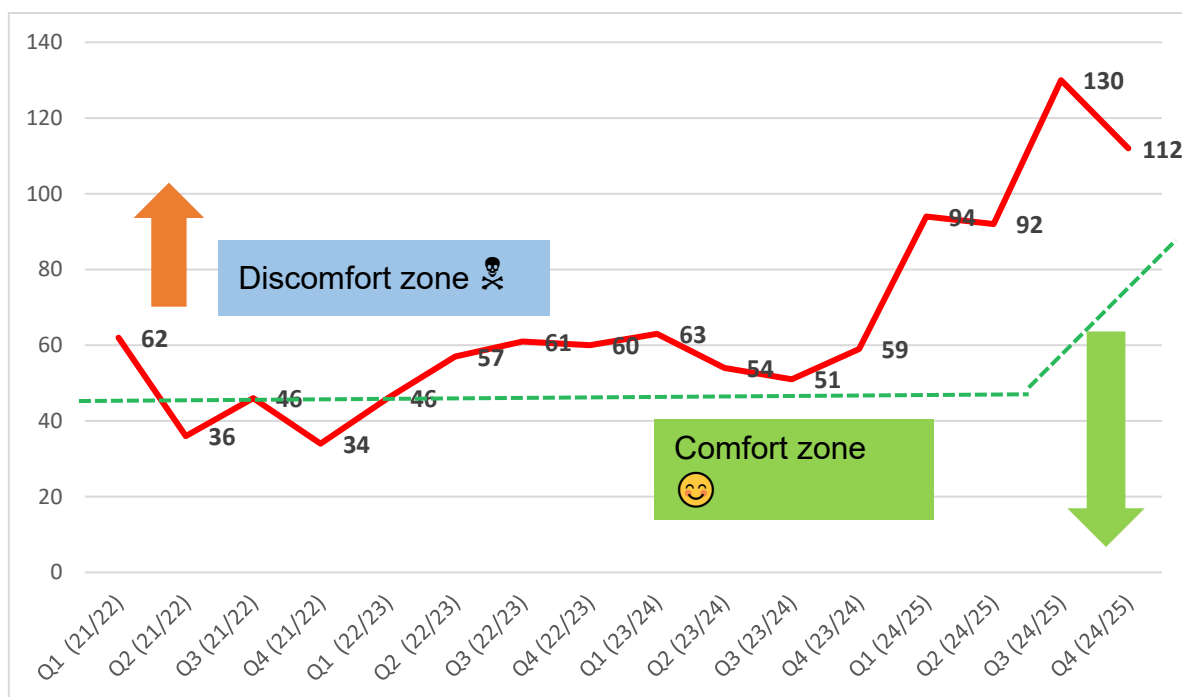
1.15 We recommended financial remedies (consolatory and compensation) in 86 cases as follows:

- DVLA (64) £15,105
- DVSA (13) £1,978
- NH (8) £1,405
- NR (1) £1,500

Productivity

- 1.16 Until the beginning of 2024-25, the ICA service had operated with just two ICAs with assistance from associates. A significant reduction in capacity early in the year necessitated the onboarding of more ICAs, and by the end of the year there were nine of us in total, assisted by one associate.
- 1.17 Our average 'open' caseload (in other words, cases that have not been completed) until 2024-25 has been 52.4 cases. Due to the reduction in capacity, this rose over the year culminating, in the final quarter of 2024-25, with an all-time high of 130 cases. By this stage, we had been preparing customers for waits of two to three months before their case could be allocated.
- 1.18 Figure 1.3 illustrates the open caseload over the last three years, and the dramatic upsurge at the beginning of this year. Most of those open cases were unallocated and held in a queue. The upward movement of the 'comfort zone' (in other words the number of open cases in the team commensurate with meeting our target) has increased latterly as new colleagues have come on board.

Figure 1.3: ICA open caseload at quarter end, April 2021-March 2025



- 1.19 To reflect the variable time availability within the expanded ICA team, cases are now generally drawn down by ICAs in date order from a central queue, rather than allocated as of old in a 'cab rank' system.

1.20 As Figure 1.3 also illustrates, the number of open cases began to decrease in the final quarter as new colleagues got up to speed. We are confident that the ICA service will be more resilient, and performing in line with expectations, by the end of the 2025-26 business year, if not before.

1.21 Performance against our three-month target during the year was as follows:

- Q1: 88%
- Q2: 58%
- Q3: 32%
- Q4: 34%

This amounted to the completion of 51 per cent of cases to target in the year, compared to 84.6 per cent for 2023-24.

1.22 On average, 62 working days elapsed between case receipt and completion of reviews, compared to 41 working days in 2023-24. We have continued to fully meet our five-day acknowledgement target.

1.23 We have robustly expectation-managed at acknowledgement stage about waiting times and outcomes and encouraged customers to focus on what is achievable through the ICA scheme to make best use of a limited resource. Customers, and public bodies, almost without exception, have been very understanding of the pressures on the scheme.

1.24 We remain appreciative of the efforts made by the public bodies in jurisdiction to resolve complaints even if they have escalated to our independent tier.

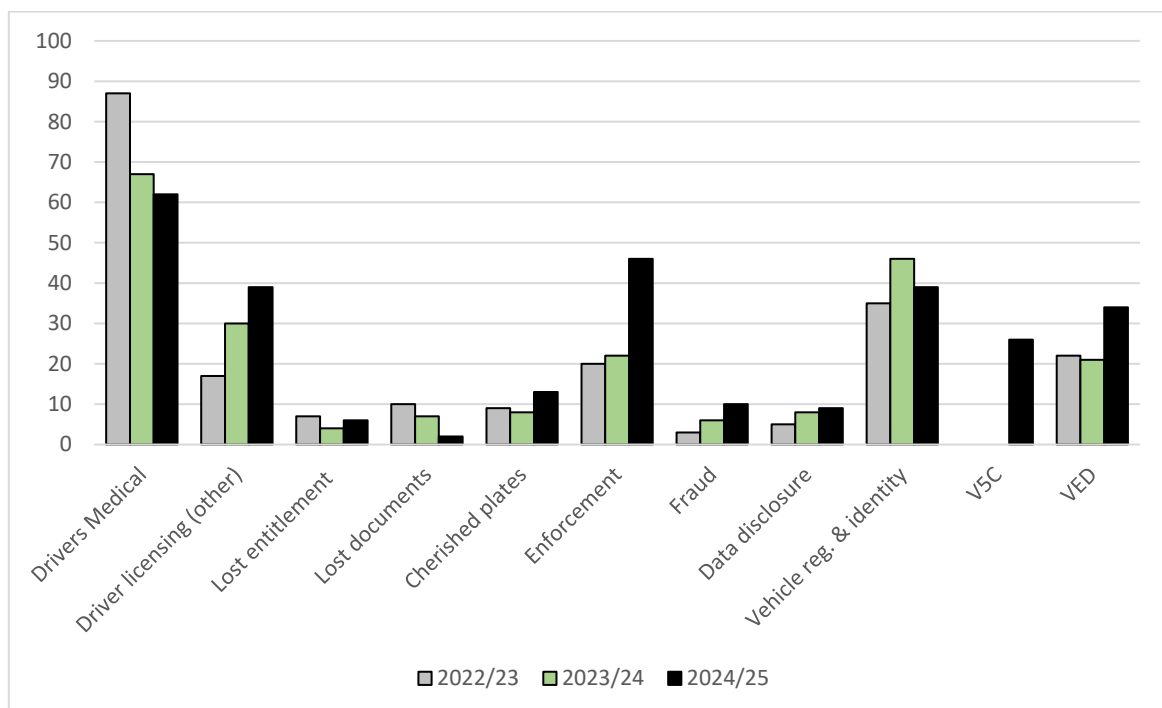
1.25 We took on average 5 hours and 27 minutes to complete each case in the 2024-25 reporting year (this compares with 5 hours and 20 minutes in 2023-24 and 5 hours and 55 minutes in 2022-23).

2: DVLA Casework

Incoming cases

- 2.1 As noted above, we received 286 cases from the DVLA in 2024-25, a 29 per cent increase from 2023-24.
- 2.2 The DVLA processed 99.4 million transactions on the year 2024/2025 which is an increase of just over 4% from the previous year.
- 2.3 Figure 2.1 illustrates the year's intake of cases in the main subject areas alongside those of the last two years.

Figure 2.1: Incoming DVLA cases by subject area, 2022-2025¹



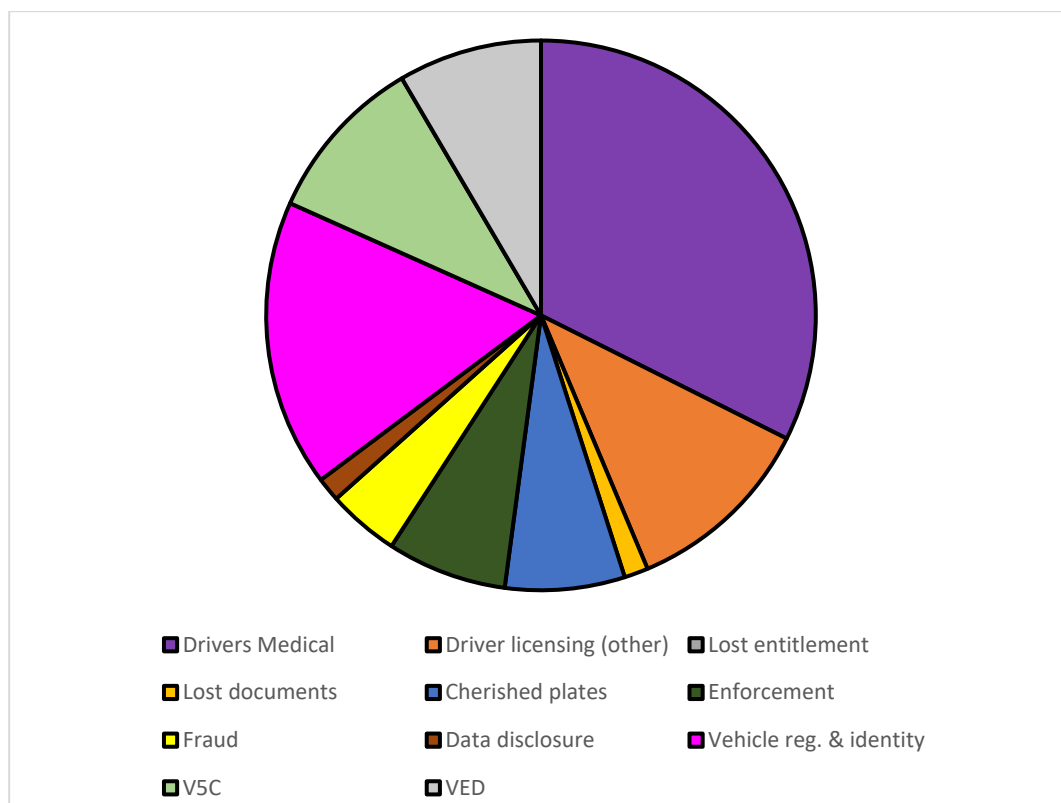
- 2.4 As in previous years, we are pleased to note a continued drop in Drivers Medical referrals (21.6 per cent of DVLA referrals, compared to 30.1 per cent last year).

¹ **DM:** Drivers Medical – licensing drivers with reported medical conditions; **Driver Licensing:** non-medical driver licensing including foreign exchange; **Lost entitlement:** disputed claim to an entitlement; **Lost documents:** typically I.D. **Cherished plates:** personalised registrations; **Enforcement:** for alleged VED and insurance offences; **Fraud:** handling of reports of vehicle crime; **Data disclosure:** release of keeper data (almost always to private parking companies); **Vehicle Reg & Identity:** disputes about registration administration & decision-making, and identity; **V5C:** disputes about V5C charges and accuracy (subsumed in Vehicle Reg. stats before 2024-25); **VED:** Vehicle Excise Duty/'road tax' (usually refunds).

Completed cases

- 2.5 We completed 246 DVLA cases in the year, a 9.3 per cent increase on 2023-24. We upheld 29 per cent to some extent, compared to 34 per cent last year; there were no fully upheld complaints. The percentage of partially upheld complaints also dropped from 34% in 23/34 to 29% this year, broadly in line with the overall reduction in partially upheld complaints across the board.
- 2.6 The reduction in the percentage of upheld cases is in no small measure due to the energetic efforts of the DVLA's ICA referrals team. The team has proven highly effective at resolving outstanding matters after the Agency's step 2 has concluded. This has often happened after cases have been referred to us. Of particular note is the drop in Drivers Medical cases upheld to some extent from last year, from 33 (49 per cent) to 23 (37 per cent).
- 2.7 As the ICA backlog continues to clear, the opportunity for the DVLA's ICA referrals team to resolve matters after referral will naturally start to reduce as the time taken to pick up cases by the ICAs shortens. This may place a greater emphasis on improvement in the step 2 responses.
- 2.8 In figure 2.2, we chart the 71 cases we upheld to some extent this year.

Figure 2.2: DVLA cases upheld to some extent by subject area, 2024-25



Drivers Medical

- 2.9 Complaints about decisions and the service provided by Drivers Medical continue to make up the largest single component of our workload. The loss of a driving entitlement can be a life-changing experience for all drivers, but we are especially sensitive to the needs of vocational drivers who drive for a living. The legal standards of fitness to drive are necessarily stricter for vocational drivers given the hours they may spend behind the wheel and the size of vehicles they are driving. The DVLA rightly prioritises licence applications from vocational drivers but, as our case studies show, this is no guarantee of a speedy decision.
- 2.10 In the more complex cases, the DVLA's medical decision-making can be very protracted. The DVLA's systems rely upon GPs and hospital consultants to complete the Agency's questionnaires accurately and promptly. Sadly, this is not always the case, as filling in DVLA paperwork is rarely a priority for busy doctors in hospitals or GPs. However, we also encounter cases where it is the DVLA's mistakes or oversights which have contributed to the delay.
- 2.11 Most of the medical decisions made by Drivers Medical staff each year are made not by clinicians but by non-medical caseworkers who follow the guidance in the Agency's Operating Instructions (OIs) which in turn are based on the legislative framework for fitness to drive (and advice from the Honorary Medical Advisory Panels to the Secretary of State for Transport). Where DVLA doctors have become involved, we have generally been very impressed by their willingness to make customer-friendly decisions in line with their clinical discretion.
- 2.12 We should also commend the involvement of the DVLA's senior doctor, whose judgement we hold in high esteem. He often becomes engaged in a case at the point of ICA referral and can make licensing decisions that resolve hitherto intractable complaints. We look forward to working with the new senior doctor who will be appointed next year when the current incumbent steps down.
- 2.13 The new Drivers Medical Casework system is scheduled to be implemented by April 2026. This will enable more people to notify, apply and renew online. This will also allow improved communication between the Agency and its customers, with the aim of reducing the average time to reach a decision in these complex cases.
- 2.14 Under our terms of reference, we cannot challenge clinical decision making that is in line with the legal standards. But we greatly welcome the new approach to the alcohol standards that commenced in August 2024 when the DVLA published a revised edition of *Assessing Fitness to Drive, A Guide for Medical Professionals*. This followed years in which the ICAs criticised the existing standards as inflexible and draconian. It may be helpful to emphasise that the new alcohol dependence standard now requires a "high-risk feature" to be present, meaning alcohol

withdrawal seizures (not alcohol associated seizures) or if medication-assisted alcohol withdrawal has been needed or required.

- 2.15 All drivers may apply for a renewal of their licence either 90 or 56 days before its expiry (dependant on the nature of their application). This is of particular significance to those drivers with medical conditions that require investigation. Although the DVLA attempts to send a reminder notification to drivers which is done automatically, a reminder is sent as a courtesy and is not a legal requirement. The earlier a driver sends their paperwork to the DVLA the quicker medical enquiries can start. There is no reason for a driver to wait for the reminder notification from the DVLA, but many drivers may not be aware of this and so may be delayed by medical enquiries continuing beyond the expiry of their licence. The onus remains on the driver to ensure that they prioritise the renewal of their licence.
- 2.16 While medical enquiries are ongoing, a driver may continue to drive, by virtue of section 88 of the Road Traffic Act 1988 (s.88 RTA 88), until:
- a. A new licence is issued
 - b. Their licence is revoked or refused
 - c. Twelve months have elapsed from the date of their application
 - d. The driver is disqualified from driving after the application was sent

The DVLA's leaflet² on the subject says to continue driving under s.88 the driver must, 'meet the medical standards of fitness to drive'.

- 2.17 While the DVLA conducts its own medical investigations, the self-declaration of a driver's medical fitness may not meet the required standard for an insurance company or employer. Vocational drivers in particular may be prevented from driving until medical investigations are complete, and a new licence is issued. People have referred to the following limitations in their correspondence with us:
- a. Complications with insurance
 - b. The driver works outside the UK, and the foreign authorities do not recognise the existence of the s.88 'cover'
 - c. Their employer is not satisfied that ongoing medical issues will lead to a new licence being granted, despite the s.88 cover.
- 2.18 All drivers may face difficulties if attempting to hire a vehicle abroad if their driving licence has expired, despite being legally entitled to drive in the UK under the s.88 cover.

² [INF188/6 Can I drive while my application is with DVLA?](#)

2.19 Our experience is that the DVLA will refuse to pay compensation to drivers if they were legally able to drive under s.88 even if the ICA has recommended it.

Selected Drivers Medical Cases

A. Anonymous notifications

Anonymous report #1: Customer seeks copy of the notification

Complaint: Mr AB complained after his fitness to drive was investigated following an anonymous letter being sent to the DVLA. He made a subject access request for the letter, which was sent to him redacted, to which Mr AB objected. He criticised the DVLA for acting on anonymous information and alleged that during a telephone call to the DVLA he had been told his complaint was hopeless and he should not bother proceeding (the DVLA had no record of this call). Mr AB involved his MP and wrote to PHSO before the DVLA's step 2 response was complete.

Agency response: Both step 1 and step 2 letters stated that the Data Protection Act did not oblige the DVLA to release any third-party information or information that could identify the third party. While the papers were being prepared for ICA review, the DVLA noted that the medical decision had taken longer to conclude as one of the consultants had not responded to a questionnaire, and this had not been chased by the Agency. An apology was given to Mr AB and he was offered a £250 consolatory payment. The DVLA also apologised for having no record of the call during which Mr AB was allegedly told his complaint was hopeless. Mr AB was sent a detailed timeline to explain how the medical delay occurred; he was also sent an excerpt from his GP's medical information which he did not agree with.

ICA outcome: At the acknowledgement stage, Mr AB was reminded that the ICA remit was limited. The final ICA report reflected that all Freedom of Information and Data Protection Act issues fall outside the ICA jurisdiction. In scope was the complaint about delay, but this had been remedied by the DVLA's apology and offer of £250. Also in scope was the complaint about the DVLA acting on anonymous information, but this was in accordance with Agency policy (which the ICA understood was under review).

Anonymous report #2: Customer feels harassed by DVLA response

Complaint: Ms AB was the subject of a third-party report that she was a danger behind the wheel. This was not the first time she had been reported, but previous notifications had been investigated and not found to justify restrictions on her driving licence. Unfortunately, the notification arrived at a time when Ms AB did not have a car. She was very reluctant to purchase one as she did not trust the DVLA to relicence her. In a series of very fraught telephone calls over the three months of the investigation, Ms AB vented her

distress at being harassed by the person making the notifications. She also felt that the DVLA was harassing her through its investigation. Ms AB's GP had indicated from the outset that the alleged medical condition did not apply. She asked why her entitlement was not immediately confirmed instead of investigations being made of a consultant she had not seen for a year.

Agency response: The DVLA handled the third-party notification in line with its policy. Although the GP did not corroborate the main health condition reported, they did refer to a different health condition and consultant involvement. The casework team decided that this needed looking into and another leg of enquiries followed. When the consultant's status was established, enquiries were redirected to the GP. In the end, the DVLA's senior doctor reviewed the case and decided that the lack of evidence of a relevant condition was sufficient to allow the Agency to confirm Ms AB's entitlement. The DVLA made a consolatory payment of £170 after a detailed review by the complaints team, as there had been delays in referring the initial offer of £100 to Ms AB. The DVLA also undertook to refer any future reports from third parties about Ms AB to a DVLA doctor from the outset.

ICA outcome: The ICA listened to approaching two hours of phone calls. He reflected that Ms AB's experience exemplified the frustration of many Drivers Medical customers unable to deal with the Agency in real-time. Ms AB had been ringing on a regular basis, chasing up crucial documentation that she knew had been sent to Drivers Medical (including an email from her GP). The staff she spoke to could not confirm receipt of this material, nor when it would be on the relevant desk. This created huge frustration and distress for Ms AB that she unfortunately vented on the staff and the GP. The ICA was critical of her behaviour but also observed that Ms AB was acting exactly as she would expect of a target of harassment. The ICA complimented some of the contact centre staff who had spoken to Ms AB but also suggested that more could be done to support frontline staff dealing with people reporting harassment. He also recommended that the contact centre staff should be reminded to accept complaints orally over the phone, in line with Ombudsman standards. He was critical of some of the complaint handling that was too generic. The ICA felt that the consolatory payment should be increased to £350 and recommended accordingly. He also recommended that the Agency consider creating a distressed customers team to improve communications with people reporting harassment and exhibiting extreme distress in other circumstances.

Anonymous report #3: Very poor handling of a clearly implausible notification

Complaint: DVLA had acted on a very strangely worded notification sent by someone who purported to be a registered doctor (but was not) and immediately revoked Mrs AB's driving licence. The notification had been false, yet Mrs AB was without her licence for several months. A further false notification was then received and the DVLA made further enquiries but left Mrs AB's licence in place. Mrs AB complained that the DVLA had not responded to questions from her and the police about whether the Agency had IP addresses for the person(s) sending the malicious notifications.

Agency response: The DVLA eventually made a consolatory payment of £300 for the distress caused by the revocation of Mrs AB's licence and a further £120 for delay in referring the case to the ICAs. However, the Agency did not accept that it had done anything other than follow correct procedures prior to that. The DVLA said procedures had now been amended to require further checks before notifications were actioned if they were said to be from a healthcare professional but had not been sent through the normal channels.

ICA outcome: The ICA found that it is one thing for the DVLA to have a culture of 'better safe than sorry' on receipt of apparently clinical information, but quite another to insist on sticking to inappropriate procedures when faced with fundamental implausibility in the material received. The ICA highlighted that that the DVLA had not taken seriously that Mrs AB might be a victim of crime and had not disclosed the notification to the police or looked into providing IP addresses.

B. Alcohol Standards

Compensation for a vocational driver wrongly revoked

Complaint: Mr AB had a history of alcohol misuse with some markers for alcohol dependence (including a history of detoxification). He now drank moderately, and his carbohydrate-deficient transferrin (CDT) levels did not reflect recent abuse. A DVLA doctor therefore applied the less stringent alcohol misuse standard. However, when Mr AB's entitlement was up for renewal, a non-medical caseworker noted that he was continuing to drink and that there were markers of alcohol dependence.

Agency response: Mr AB's regular assertive rebuttals of the revocation eventually attracted medical review, culminating in a new decision to license him being made by the DVLA's senior doctor. The DVLA then invited a compensation claim given Mr AB's inability to work when his licence was removed. It averaged out his expected weekly income, based on previous earnings, and multiplied that by the number of weeks that he had been out of work. It revised its figures in response to a challenge from Mr AB.

ICA outcome: The ICA was involved at various points before the review as the compensation claim stalled given each party's expectation that the other would take the next step. Eventually, Mr AB provided the requisite evidence, and an offer was made and then revised. The ICA was content with the compensation figure but judged that a further £200 should be paid as a consolatory sum given the many delays in the handling of the complaint. Overall, he judged that the Agency's latter efforts at resolving matters meant that he should not uphold the complaint of unremedied injustice.

Good handling by complaints team of customer with multiple medical cases

Complaint: Mr AB complained of delays, a lack of communication and poor handling of subject access requests (SARs) when he reapplied for his driving entitlement after revocation for a history of alcohol dependence. Mr AB had contested the DVLA's deployment of that standard over several years, bringing three cases to the ICAs (one of which went to the Ombudsman), and also a case that went to court. (None of these complaints was upheld.) Mr AB's complaint remained that unnecessary medical treatment amounting to detoxification had been inflicted by the NHS when he was presenting in distress; and that the DVLA's reliance on 'detoxification' treatment as a marker of past dependence was inappropriate and an infringement of his rights.

Agency response: The DVLA processed Mr AB's reapplication in the usual way, making enquiries of the GP and setting up an appointment for a blood test and examination by a franchise doctor. All the information from this was favourable and Mr AB was allowed another year's driving. The DVLA also explained the basis of its decision-making.

ICA outcome: The ICA was complimentary of the step 2 response from the DVLA which fully, sympathetically and clearly explained the handling of Mr AB's many medical and SAR cases. He explained that the revised alcohol standard would not affect the Agency's handling as the detoxification episode was regarded as a high-risk feature that would still engage the more stringent dependence (rather than the misuse) standard. Although all would have wished enquiries to have gone quicker, on balance the ICA did not uphold the complaint.

Alcohol dependence not defined by undergoing rehabilitation

Complaint: The DVLA received a police report that Ms AB was unsafe to drive and revoked her entitlement after she and her GP had ticked boxes confirming alcohol dependence and detoxification. Ms AB contested this, arguing that she had never been alcohol dependent, and that she had attended a support group not detoxification. The DVLA received more information from her GP that included references to a recent episode of Class A drug abuse, as well as a history in the last three years of poly-drug abuse. The GP now said that Ms AB binged on alcohol when unwell, was not dependent, and had attended a support group on two occasions without medical detoxification. After Ms AB reapplied for her licence, she complained of significant delays, repetitive and unnecessary questionnaire completion, and unhelpful advice on the phone on the occasions that she could get through. She also experienced significant difficulties booking a franchise doctor appointment.

Agency response: The DVLA held the line that Ms AB should be subject to the substance misuse and alcohol-dependent standards, necessitating a year off substance and alcohol consumption. In the absence of clarity from her GP, after further complaints, the senior

doctor agreed that Ms AB could be relicensed without further evidence about her mental health.

ICA outcome: The ICA was content that the original licensing decision based on alcohol dependency had been appropriate given the information available at the time. He disagreed with the DVLA that the dependence standard should remain engaged, however, given new information from the GP. He recommended that the DVLA should take steps to ensure that rehabilitation and detoxification were not conflated in its decision-making. He regarded the Agency's decision-making as excessively conservative after further enquiries had revealed that Ms AB had a sustained period of good mental health, and complete sobriety. He found that her case should have been referred to the DVLA doctors sooner, and he was not convinced by the Agency's insistence that alcohol dependence was the correct fitness standard. Nonetheless, the correct engagement of the substance misuse standard made this debate somewhat academic. Given the delays and lapses in customer service, the ICA partially upheld the complaint and recommended a consolatory payment of £250.

A driver meeting High Risk Offender criteria confused by DVLA requirements

Complaint: Ms AB had been banned from driving for two years and was classified as a high-risk offender (HRO).³ She complained about her reapplication being refused despite an acceptable CDT level. She also complained that the DVLA had launched an inappropriate investigation into her cannabis use, and that the alcohol dependence standard had been applied inappropriately given that she had never suffered withdrawal symptoms nor physically craved alcohol. She had problems getting through to the DVLA on the phone, by email, or using the chat function.

Agency response: The DVLA followed its standard HRO investigation. Ms AB reported heavy alcohol use, her GP confirmed alcohol dependence, and a drug screen showed high cannabis use, triggering the drug misuse standard. Consequently, she was required to abstain from alcohol for a year and illicit drugs for six months before relicensing. At ICA stage, the senior doctor broadly endorsed the decision, noting revocation could have occurred earlier and that the urine test was unnecessary. Under the revised August 2024 guidance, the case fell under persistent alcohol misuse, and the ICA advised Ms AB to reapply.

³ High risk offenders must first pass a medical examination with one of DVLA's appointed (franchise) doctors before they can regain their driving entitlement. The HRO arrangements apply to those:

- convicted of two drink driving offences within ten years
- driving with an alcohol reading of at least 87.5 microgrammes of alcohol per 100 millilitres (ml) of breath, 200 milligrams (mg) of alcohol per 100 ml of blood, or 267.5 mg of alcohol per 100 ml of urine
- who have refused to give the police a sample of breath, blood or urine to test for alcohol
- who have refused to allow a sample of their blood to be tested for alcohol.

ICA outcome: The ICA noted with concern that there was nothing other than a tick in a box to say that Ms AB had ever been physically dependent on alcohol. There was no clinical evidence of physical dependence nor of any withdrawal syndrome, nor detoxification. However, the ICA accepted the DVLA's senior doctor's opinion that the initial revocation had been justified on both grounds (alcohol dependence and drug misuse). During the review, the ICA spoke at length with Ms AB who had not understood the DVLA's requirements or decision-making. He partially upheld the complaint (because there had been delays in complaint handling) and recommended a consolatory payment. He also considered that, in line with Ombudsman standards, the DVLA complaints team should have picked up the phone and spoken to Ms AB. Further, he noted that Ms AB had been needlessly subject to an invasive medical examination and urine testing.

Seizure and medically-assisted withdrawal trigger alcohol dependency standards

Complaint: Mr AB, who had a history of alcohol-related seizure and medically-assisted withdrawal, complained that the DVLA had wrongly applied the alcohol dependence standard given his recent history of controlled drinking and supportive CDT results. He disputed the DVLA's account of his recent drinking as meaning that a year's abstinence would be required under the dependence standard, and argued that he was being punished for being honest in his declarations as to his alcohol consumption. He was also in dispute with his GP practice about accounts of his drinking and medical history provided to the DVLA.

Agency response: The DVLA explained that medical decision-making had been based on information from the GP. On his most recent reapplication, Mr AB's new GP stated that there had been no history of misuse or dependency. The DVLA therefore sought copies of the medical notes. These tallied with reports from the previous practice that Mr AB had a history of problematic drinking and met the dependence criteria. Given Mr AB's disclosure of recent drinking, he was told that a further 12 months of complete abstinence would be required before he could be relicensed.

ICA outcome: The ICA explained the alcohol standards, including the August 2024 revisions. In his view, the history of medically supported withdrawal and seizure made it highly likely that the DVLA would maintain the dependence standard. The ICA noted in this regard that the Secretary of State's expert panel regarded dependence as lifelong. Of potential future significance in Mr AB's case, after three years of complete sobriety, the DVLA would entertain licensing in the context of controlled drinking. The ICA was content that the review by the DVLA's senior doctor accurately encapsulated decision-making and the application of the standards. The ICA would have preferred a better explanation from the DVLA as to why it had not acted on the most recent GP information but did not uphold the complaint.

Hostile correspondence from customer with history of chronic alcoholism

Complaint: Mr AB's application to regain his driving licence after a three-year ban was refused because: (a) his history engaged the alcohol dependence standard, and; (b) he disclosed recent drinking (meaning he could not meet the requirement for a year of abstinence). His carbohydrate deficient transferrin (CDT⁴) result was favourable but the GP indicated a long history of problematic drinking with medication-assisted withdrawal (for some time, a marker of alcohol dependence in DVLA policy). Mr AB started court proceedings, highlighting the CDT result and refuting evidence from his GP. In the run-up to the hearing date, Mr AB, who was very stressed by the process, withdrew his case. However, he went on to complain that the DVLA's doctor had deliberately misrepresented recent blood results in the statement for the hearing. In the absence of a response to his complaints, Mr AB's correspondence became more hostile. In it he called the DVLA doctor (who was identified by name) a "charlatan", and a "blatant liar" who had deliberately misrepresented evidence that supported Mr AB's case. He accused the doctor of intending to mislead the magistrate. Mr AB was also aggrieved that the DVLA doctor had described the CDT result as indicative of controlled drinking when it could also have shown abstinence.

Agency response: The DVLA repeatedly explained why the dependence standard was engaged. It provided Mr AB with copies of its doctor's statement for court in advance of the hearing date. It pointed out that Mr AB could reapply in the very near future (given the provision to do so two months before a period off driving has elapsed), and he did so. Due to discrepancies between Mr AB's account of his recent drinking and that of his GP, the Agency obtained clinical notes. These revealed a long history of chronic alcoholism with repeated medication-supported withdrawal, and an episode of heavy drinking a matter of months beforehand (when Mr AB had said he had been abstinent). The DVLA therefore refused the reapplication. In its responses to the increasingly hostile and personalised correspondence from Mr AB, the Agency simply reiterated the basis of its licensing decision.

ICA outcome: The ICA said it was debatable whether the DVLA was delivering a customer service in its preparation for an adversarial court hearing. He therefore found that the DVLA was entitled not to engage with Mr AB's attempts at pulling material prepared for court into the complaints procedure. The ICA stated that the DVLA's investigation process was inquisitorial, and that a general orientation against Mr AB's relicensing should not be inferred from material prepared for court. However, there were two areas of concern for the ICA. First, the DVLA did not tell Mr AB why it would not answer his questions about blood results and legal process. Instead, it kept repeating the basis of the licensing decision. Mr AB fully understood this and hearing it repeatedly did nothing to satisfy him

⁴ The DVLA uses the carbohydrate deficient transferrin (CDT) blood test to assess chronic, heavy alcohol consumption over the preceding 2–4 weeks for driver licence reapplications. CDT results inform, but do not determine, licensing decisions.

that his complaint was understood. Secondly, and more importantly, the ICA was disappointed that the DVLA did not tell Mr AB that his personal attacks on its member of staff were inappropriate and had to stop. The ICA pointed the DVLA to Ombudsman guidance on managing challenging situations in complaint handling and recommended that this be applied. He also recommended that the complaints team be empowered to explain why they would not engage with complaints arising from legal process. The ICA challenged Mr AB to reflect on the verbal abuse he had heaped on the member of staff involved in his case. The ICA said it was unfair, unjustified and had done no service to the valid points Mr AB had made. His had not been a borderline application, and the DVLA's position on his relicensing did not even draw from the blood tests that he was aggrieved about.

C. Ticking the wrong box

Box ticking error #1: Impact of GP errors on DVLA decision-making

Complaint: Mr AB complained that the DVLA had undertaken unnecessary medical enquiries based on insufficient evidence supplied by his clinicians. For example, he said that he drank more than the Government recommended limits but was certainly not a misuser of alcohol. Likewise, his mental health problems were mild as was his cardiological condition. Mr AB also criticised service failures on the part of the DVLA (a letter sent to the wrong GP and further questionnaires wrongly sent to Mr AB himself).

Agency response: The DVLA emphasised its duty to carry out medical enquiries into fitness to drive. It acknowledged service failures and made a consolatory payment of £100. As the ICA referral was being made, the Agency agreed an unrestricted 'til-70 licence for Mr AB.

ICA outcome: The ICA concluded that each of the decisions to conduct enquiries was correct under the DVLA's Operating Instructions. He was also satisfied with the consolatory payment and apology offered for the service failures. However, the ICA said the case yet again illustrated the vulnerability of DVLA systems to questionnaires completed hurriedly by clinicians who might be working from notes and not even know the patient. The ICA commended the final decision-making that had been conducted speedily by the deputy senior doctor. The ICA argued that there was much to ponder for the DVLA. The DVLA said that it was committed to streamlining and improving the medical enquiry process.

Box ticking error #2: Revocation despite no warning signs for a non-condition

Complaint: Mr AB's licence was revoked due to him ticking a box indicating that he did not get warning signs of hypoglycaemia (he had never had hypoglycaemia). He tried to phone the DVLA but could not get through, so he applied for a new licence in which he corrected the error but did not send a covering letter explaining what had happened. The

DVLA insisted on Mr AB getting a GP to complete an additional questionnaire. This resulted in a delay of nearly two months in Mr AB obtaining his licence.

Agency response: The DVLA did not initially accept that any errors had been made. But when the matter was prepared for ICA review, the Agency sought a view from the senior doctor who advised that Mr AB's new licence application should have been granted without referring him to his GP. The DVLA apologised at this stage and offered a consolatory payment of £250 for poor service.

ICA outcome: The ICA considered that the DVLA's error had caused significant stress on Mr AB and recommended an additional consolatory payment of £250.

Box ticking error #3: GP error leads to revocation

Complaint: Mr AB complained that the DVLA had wrongly refused his licence application under the standards for alcohol. He said he rarely if ever used alcohol and cited his liver function tests (LFTs) and CDT tests as evidence. He wanted all his entitlements restored and compensation from the DVLA.

Agency response: The DVLA said that the licence refusal was correct as his GP had indicated Mr AB exhibited uncontrolled persistent alcohol misuse. It declined to pay any compensation.

ICA outcome: As in so many like cases, the ICA was limited in terms of his jurisdiction regarding licensing decisions. But he said there was evidence that the GP had made a mistake. This had not been challenged by the DVLA as the application had remained in the hands of non-medical caseworkers (in contrast to an earlier application where a DVLA doctor had commendably gone back to the GP and felt able to issue a one-year licence). The ICA said that Mr AB would now need to make a new application to regain the right to drive. But he recommended that a marker be placed on his record to ensure there was DVLA doctor oversight of the decision-making. This was agreed by the Agency, albeit it might add to the length of the application process as DVLA doctor time was in short supply. The Agency also commendably provided details whereby any new application could be prioritised. The ICA shared the DVLA's view that no compensation was due.

D. Section 88 Road Traffic Act 1988 (s.88 RTA 88)

Late licence reapplication, reliance on s.88 RTA 88 and unnecessary DVLA enquiries

Complaint: Mr AB was haulage driver whose Group 2 entitlement was coming up for medical review. He reapplied late. As there was a mental health disclosure in the paperwork, the DVLA sent out the form in use at the time that also invited information about alcohol consumption. The GP responded, citing periods of heavy alcohol use, but saying *No* to a diagnosis of misuse or dependence. Mr AB was subject to alcohol enquiries

culminating in a referral for a blood test. This added a further two and a half months to the relicensing process. Mr AB complained that he had been denied the opportunity of work as he was reliant on s.88 RTA 88. He sought £6,000 in compensation.

Agency response: During the complaints process the DVLA refused compensation on the basis that its enquiries had been defensible and correct. The Agency had put Mr AB's case on priority after contact from his MP and had liaised repeatedly with one of his employers to confirm his entitlement. At ICA referral stage, an additional review took place in which the senior doctor decided that the alcohol enquiries were unnecessary given the non-corroboration of an alcohol misuse diagnosis by the GP. This meant that there was a period exceeding two months in which Mr AB had been reliant on s.88 RTA 88. The DVLA continued to refuse the compensation claim but offered a consolatory payment of £350.

ICA outcome: The ICA noted the difficulties Mr AB had faced in progressing his complaint (he had needed to chase repeatedly). And his claim had been rejected outright until the ICA referral stage. The ICA also found that Mr AB himself could have reduced the period of reliance on s.88 RTA 88, from four months to two months, had he availed himself of the opportunity to apply in a timely fashion. The ICA did not think that Mr AB's evidence satisfactorily demonstrated his claimed losses. However, the ICA also acknowledged the innate difficulty of proving a non-event, namely an inability to work for more lucrative employment agencies. The ICA was critical of assumptions within the DVLA's assessment of Mr AB's claim that seemed to him not to give adequate weight to the seasonal nature of the haulage market, and the nature of casual work. However, he agreed with the DVLA that a claim for compensation was not adequately evidenced. With reference to Ombudsman guidance, he recommended that the consolatory sum be increased to £500. He partially upheld the complaint.

DVLA rejects ICA recommendation for compensation for lost earnings given s.88

Complaint: Mr AB complained that the time taken to renew his Group 2 licence was too long. He only applied a few days before his licence was due to expire, and it took 158 working days (31 weeks) for his medical tests to be completed. Mr AB was unable to use the self-certification of medical fitness process under s.88 RTA 88 as he worked in Europe and was unable to drive there under that provision. He involved his MP in his complaint at an early stage.

Agency response: Mr AB was given an apology for poor service and administrative delays. He was offered a consolatory payment of £200 before the case was referred to the ICA.

ICA outcome: The ICA recommended increasing the consolatory payment to £500 and said the DVLA should invite a compensation claim for two months' loss of earnings. Four months after the report was issued, the DVLA wrote to the ICA to confirm it would pay the consolatory sum but would not pay compensation to Mr AB. In the Agency's view, Mr AB

had not applied for his licence renewal promptly, and s.88 had allowed him to drive in the UK while investigations were carried out.

E. The unwritten 'step 3' stage – DVLA resolution efforts after ICA referral

Commendable involvement of complaints team at the point of ICA referral

Complaint: Mr AB reported a subarachnoid haemorrhage (SAH) and shunt insertion and thought he had surrendered his licence, having been told not to drive by his own doctors for six months. In fact, he had not formally surrendered, he had simply told the DVLA of his intention not to drive for the prescribed six months. Understandably, he thought that he would be back behind the wheel after the six months was up. Mr AB reapplied for his entitlement six weeks before the six months was over – only to be dismayed by the slow progress of DVLA enquiries that involved information from the GP and consultant neurosurgeon. This took three months over the expected six months, a period Mr AB for which he said he expected compensation.

Agency response: The DVLA explained that the revocation had been correct given the medical standard related to shunts (six months off driving and confirmation of no debarring residual impairment likely to affect safe driving). The Agency also explained why it could not be clearer about anticipated timescales. However, while the case was being prepared for ICA referral, the DVLA realised that the procedure of offering licence surrender at the point of disclosure had not been followed. This had denied Mr AB the possibility of driving under s.88 RTA 88 after his reapplication had been accepted. For this, the DVLA apologised and made a £360 consolatory payment.

ICA outcome: The ICA was satisfied that the medical decision-making was correctly referenced to the fitness standards engaged by Mr AB's disclosure. The enquiries had felt glacial to Mr AB but the ICA noted that priority had been applied when he had made his situation clear. The ICA commended the complaints team for the late-stage recognition of the failure to offer licence surrender. The ICA estimated that this had kept Mr AB off the road for at least a fortnight, if not longer (he could not be sure whether Mr AB's doctors would have supported s.88 driving during a live DVLA investigation, given their hesitancy). Given the late-stage apology and payment, the ICA did not uphold the complaint of unremedied injustice.

Comprehensive late-stage review results in DVLA recognising flaws and errors

Complaint: Mr AB had been granted one-year licences following an earlier revocation of his licence because of drug misuse. He complained of a ten-month delay in the DVLA's renewal of his driving licence.

Agency response: The DVLA accepted that part of the delay was attributable to the Agency requiring a medical test which was not in fact needed, but it took some time for

DVLA to realise there had been an error, and even longer to acknowledge that error. There were flaws in the complaint handling and it was not until after Mr AB had requested a referral to the ICAs that a comprehensive review of his case was conducted. The DVLA then wrote to Mr AB with a full analysis of their handling of his application and offered a consolatory payment of £360.

ICA outcome: The ICA felt the DVLA had ended up in the right place and no further redress was needed.

Repeated DVLA requests for GP appointments

Complaint: The police notified the DVLA of a possible medical condition after Mrs AB was seen driving erratically. The Agency insisted she make a GP appointment. The GP saw her twice but had not received the relevant questionnaires from the DVLA. In turn, the DVLA considered that Mrs AB had not complied with their instructions, and they revoked her licence. This decision was overturned a week later after the GP reported that Mrs AB had been examined but the relevant forms had not been received. Mrs AB attended a third GP appointment, but the GP stated she could not respond to questions on the form regarding Mrs AB's eyesight as this had not been tested. The DVLA then requested that Mrs AB undergo an eyesight test and this was completed. Nearly two months later, the DVLA asked Mrs AB to attend a hospital appointment. She complained and did not attend the appointment. The DVLA thus revoked her licence again. Mrs AB then submitted a new licence application and completed a medical questionnaire in which she said she had not advised DVLA of previous medical conditions and had no health problems. Three months later, DVLA wrote to Mrs AB instructing her to make a further GP appointment. Mrs AB contacted her MP who asked that her licence be reinstated as she had already provided all the requested information. The DVLA offered a three-month provisional licence.

Agency response: During its consideration of Mrs AB's complaint, the DVLA refused to accept there had been any errors. However, when the complaint was being prepared for ICA review, the case was referred to the DVLA's senior doctor who concluded that the DVLA's requests had been inappropriate and Mrs AB's licence should be restored immediately. The DVLA apologised and offered a consolatory payment of £800.

ICA outcome: The ICA felt that the consolatory payment represented fair and appropriate redress, but recommended an extra £65, representing the costs of the new licence application that Mrs AB had made, but which should not have been necessary.

F. Equality

Online system not yet available to all

Complaint: Mr AB complained that the DVLA was discriminating against him because he could not re-apply for his medically restricted licence online.

Agency response: The DVLA said it did not intend to discriminate against anyone but its online system for medical relicensing did not yet apply to all conditions.

ICA outcome: The ICA could not formally adjudicate upon the issue of unlawful discrimination (a matter for the courts or the Equality and Human Rights Commission) but said that in his lay view a phased system of implementation of a new process was not discriminatory. However, the ICA identified that the licensing decision itself could have been made two months earlier on the back of the series 1 paperwork (the questionnaires completed by Mr AB himself) and recommended a consolatory payment of £125. The DVLA accepted that this had been overlooked, and that revised Operating Instructions had not been followed. The Agency apologised via the ICA for its oversight.

G. Vision

Truck driver with 'grandfather rights'

Complaint: Mr AB was a truck driver with glaucoma which meant that his licence had to be renewed every three years. He complained after delays set in during his renewal (he was unaware that he had section 88 cover to drive). The DVLA then refused his reapplication because he had presented for eye tests without corrective lenses and his vision did not meet the Group 2 acuity standard. Mr AB was under the impression, despite being advised to the contrary by the DVLA three years earlier, that he needed to submit a new D4 application form and undergo the requisite medical with each application. This delayed him in his reapplication, in which he provided corrected acuities showing that he met the standard. For a total of nine weeks, he was unable to work and was forced to live on savings.

Agency response: The DVLA explained that Mr AB needed to present for his vision test with his spectacles. Without correction, his visual acuities did not meet the requisite standards for Group 2 driving and his renewal had been correctly refused. The DVLA pointed Mr AB to correspondence on the last occasion that he had renewed where the Agency had made it clear that he would not need a D4 medical on his next application. The DVLA declined to meet Mr AB's claim for lost earnings.

ICA outcome: The ICA made enquiries of the DVLA and issued a draft report largely upholding the Agency's actions. However, he was concerned that Mr AB had been told by Specsavers (the DVLA's partner offering medical visual field and visual acuity testing) that it could not test his vision without a DVLA referral (this is not the case when someone is reapplying after a licence refusal or revocation). The ICA reflected that DVLA requirements were often confusing for customers, and regretted that Mr AB had lost time unnecessarily. After the ICA draft report had been submitted, the DVLA looked at the case again and realised that Mr AB had 'grandfather rights' (entitlements reflecting the law when he had first been licensed). This meant that his uncorrected vision was satisfactory for Group 2

licensing and he should never have been refused. The ICA agreed with the DVLA that it should entertain sympathetically a compensation claim from Mr AB and make a consolatory payment of £500. He partially upheld the complaint.

Coach driver loses licence after visual field tests

Complaint: Mr AB complained that the DVLA had wrongly revoked his Group 2 licence based on an inconclusive eye test after a retinal detachment. He argued that the eye test should have been repeated rather than the revocation applied. He had lost his job as a coach driver. He also complained that his provision of further favourable tests should have resulted in him being relicensed. There had been a lack of clear guidance from the DVLA to him and his opticians. This had left him without a vocational licence for ten months. He estimated his losses at £20,000.

Agency response: The DVLA recommissioned the original visual field test because some missing points may have been an artefact of Mr AB's wearing spectacles. In the meantime, Mr AB had been allowed to drive. Unfortunately, the second test replicated the missing points on the field resulting in a correct revocation. None of the initial four charts Mr AB submitted in support of being relicensed met the requirements. Eventually his fifth test showed that he met the requirements and his case was reopened. The DVLA conceded that Mr AB could have been relicensed without a further test. For the delays in sending him on that test, it made a compensation payment the equivalent of three weeks' lost earnings and a consolatory award of £300.

ICA outcome: The ICA was satisfied that the DVLA had made the technical requirements of the required visual field test plain enough. Unfortunately, the tests that Mr AB kept commissioning did not meet those requirements. When he did produce evidence that he met the standard, relicensing was reasonably prompt (although the ICA agreed with the DVLA's admission that three weeks had been avoidably lost, and with its compensation and consolatory payments). The ICA was critical of some aspects of complaint handling but regarded the sums awarded as reasonable. He partially upheld the complaint because of the failings in complaint handling.

Differences in visual field outcomes

Complaint: Mr AB complained that no two vision tests ever came to the same result. He criticised the contractor, Specsavers.

Agency response: The DVLA had reported that Specsavers agreed that there could be differences in outcomes from tests taken at different times. It had apologised for delay and the service offered by the Agency's contact centre. Following Mr AB submitting privately commissioned tests, he had been invited to re-apply and a three-year licence was subsequently agreed.

ICA outcome: The ICA said he could not adjudicate upon the visual field charts. But even as a layperson, he was aware that visual field results were rarely identical - an issue of particular importance to Mr AB as his tests were marginal but he did not qualify under the exceptional case criteria. The ICA said he could identify no maladministration, but there was now no impediment to Mr AB pursuing his grievance with the PHSO as he had indicated he wished to do.

Customer with visual field deficit and 'visual inattention'

Complaint: Mr AB had a visual field deficit caused by a stroke. The DVLA commissioned examinations that showed that Mr AB did not meet the visual field requirement and his entitlement was revoked. The Agency informed Mr AB that drivers who did not meet this standard might, in specific circumstances, be licensed exceptionally if they met certain criteria, and then passed a driving assessment. The DVLA also established that Mr AB had 'visual inattention', a separate debarring health condition (that often occurs alongside field loss through stroke). Mr AB complained after the DVLA refused to allow him to prove his fitness to drive through a driving assessment.

Agency response: The DVLA said the revocation was in line with the Operational Instructions and had been confirmed as correct on review. When Mr AB submitted additional charts, the DVLA noted that the position remained the same. In further correspondence, it explained that visual inattention was debarring and that this was a separate condition to field loss. It refused Mr AB a driving assessment and spelled out what he would need to show to get his case reopened (clinical evidence confirming that visual inattention had resolved, and either a visual field chart meeting the standard or an application on the exceptional criteria). At ICA referral stage, the DVLA made a goodwill payment of £120 in recognition that it had not been sufficiently clear in explaining why Mr AB's earlier reapplications had been unsuccessful.

ICA outcome: The ICA empathised with Mr AB's predicament. What Mr AB characterised as a TIA (in fact, it was a stroke) had affected his occipital lobe, reducing his visual field. He had been able to drive safely while off the public highway in the yard where he worked and had evidence from his employer that there was no apparent deficit. His reading of the exceptional criteria was that a driving assessment should be the final stage of the DVLA's consideration of his case. However, the ICA reiterated that visual inattention was a completely separate standard from visual field and cut across the exceptional licensing route. Mr AB needed to follow the advice latterly provided by the DVLA. A driving assessment did not function as an appeal mechanism. It was not open to Mr AB, as he was adjudged unfit to drive on the public highway. The ICA did not uphold the complaint of unremedied injustice.

H. Other medical cases

Sensitive and flexible approach demonstrated by DVLA

Complaint: Ms AB complained that the DVLA had refused to grant her a licence, despite not having had a relevant medical condition for over three months.

Agency response: The DVLA explained that, as Ms AB's GPs has previously reported that she suffered with schizophrenia, she needed to be able to demonstrate she had been stable for three months to be licensed. At the time of referral to the ICA, the DVLA had exceptionally suggested that if Ms AB made another application, it would seek an independent medical assessment of her condition. That was because Ms AB no longer had a GP, nor did she attend a psychiatrist and so could not provide the medical evidence to support her application.

ICA outcome: The ICA agreed that the DVLA's actions were in line with the relevant process and guidance offered in *Assessing Fitness to Drive*. The ICA welcomed the DVLA's offer to deal with the case differently and seek an independent medical assessment of Ms AB. However, the ICA criticised the DVLA for not making it clear to Ms AB the reason for asking her to make a further application and how it would be treated differently. For that reason, Ms AB did not understand why the DVLA were asking her to apply again when from her perspective nothing had changed. The DVLA agreed to apologise and to clarify to Ms AB how it would approach a new application.

DVLA powers where period off driving is not specified in law

Complaint: Mr AB complained in relation to a medical revocation under the standards for cough syncope. He asked where the standards came from and what justified a period of 12 months off driving.

Agency response: The DVLA had cited the wording in its guidance, *Assessing Fitness to Drive*, and had drawn attention to the minutes of the relevant expert panel that advises the Secretary of State.

ICA outcome: The ICA could identify no maladministration. He was also content that the DVLA had engaged with Mr AB's questions appropriately. He made a recommendation relating to the circumstances in which a cough syncope issue could be escalated for DVLA doctor review - in response to which the DVLA said the situation was no different to that for all other conditions. Where the period off driving was not established in law, the DVLA could decide on a lower period off driving if medical evidence was supplied that supported such action.

Delay in relicensing after a blackout of unknown cause

Complaint: Ms AB collapsed behind the wheel at low speed and hit a bollard. Two months later she saw a consultant neurologist and no abnormalities were found, but she was advised to inform the DVLA and did so. The DVLA revoked her entitlement a further two months later for an episode of a loss of consciousness (cause unknown) which meant that six months off driving from the date of the incident was required. Ms AB complained that it took two and a half months after the end of the six months to get relicensed, despite the lack of recurrence and the support of her doctors. She found DVLA systems uncoordinated, unresponsive and cumbersome.

Agency response: The DVLA explained the medical basis of the revocation and invited a reapplication eight weeks before the six months off driving was up. Ms AB's consultant unfortunately referred in error to a further blackout; clarifying that this had been a mistake added almost two months to the relicensing process. At ICA stage, the DVLA's senior doctor confirmed that medical decision-making had been correct. Latterly, the case had been prioritised, and strenuous efforts were made to clarify the date of the last loss of consciousness incident. Ms AB was relicensed soon after this information was on the DVLA's systems.

ICA outcome: The ICA emphasised the advice of the DVLA's senior doctor: that the absence of a health condition causing the blackout (or an exterior trigger) did not reassure the Agency that there would be no recurrence – hence the content and application of the unknown cause blackout standard. The ICA was critical of the DVLA for not answering the questions and complaints that Ms AB had included with her submissions of medical evidence. He recommended that steps be taken to ensure the progression of cases and the answering of complaints when customers' correspondence included both. He also recommended that a senior official apologise to Ms AB for the delays in picking up and responding to her complaints. He partially upheld the complaint.

Diabetes testing may lag behind developments in medical technology

Complaint: Mr AB, who suffers from diabetes, complained that he had been issued with a short period licence without a C1 (medium sized vehicles) entitlement. He eventually accepted a three-year ordinary driving licence without the C1 but sought compensation.

Agency response: The DVLA endorsed the medical decision making under the standards for insulin-dependent diabetes. It had made a £100 consolatory payment for poor service.

ICA outcome: The ICA said the complaint was at the margins of his jurisdiction. However, it seemed to flow from the standards in *Assessing Fitness to Drive* and reflected the fact that Mr AB was not monitoring his blood sugar appropriately. There was delay during the Covid pandemic, and Mr AB had been given incorrect information about the frequency of blood monitoring required. It was possible that the one-year licence that had been issued

could in fact have been for three years. The ICA said that the requirement for a traditional blood glucose meter might be lagging behind developments in medical technology (like many people with diabetes, Mr AB used a device linked to his phone). But this was a matter for the DVLA and its expert advisory panel.

Personalised criticism of DVLA doctor

Complaint: Mrs AB complained in relation to medical decision making and delay. She specifically criticised the DVLA doctor in her case.

Agency response: The DVLA acknowledged some delay but said it had been awaiting information from Mrs AB's clinicians. A three-year licence had subsequently been issued.

ICA outcome: The ICA did not believe the DVLA doctor in the case had shown any lack of diligence, but the DVLA had failed to address that aspect of the complaint. Short of a formal recommendation, he suggested that the DVLA should consider how best to respond to complaints against specific DVLA doctors and nurses.

Driver with multiple health conditions

Complaint: Mr AB notified obstructive sleep apnoea, triggering revocation for five months, before supportive evidence arrived causing the Agency to restore the entitlement under review. Further health conditions came to light, including apparent falls and blackouts. These and others required further investigation. Eventually, Mr AB was referred for a driving assessment before furnishing new evidence from a consultant psychiatrist confirming he met the three-month stability standard for re-licensing. Mr AB characterised the DVLA as malicious and obstructive. He was also critical of the suggestion that he undergo a driving assessment as he associated it with people with physical disabilities.

Agency response: The DVLA accepted after further investigation that Mr AB's presentations of falls and fainting episodes were not physiological in origin. However, there was an underlying mental health problem that it needed reassurance about given the requirement for three months' stability and engagement with any recommended treatment. The Agency had difficulty obtaining this evidence, hence the involvement of its senior doctor in the driving assessment referral. When the evidence arrived, the DVLA was able to relicense Mr AB for a year and did so.

ICA outcome: The ICA noted the complexity of the case that included over 800 pages of medical assessments and reports largely related to A&E and mental health presentations. The ICA observed that the initial revocation had not been explained to Mr AB, causing him significant difficulties in challenging it. In other respects, the ICA commended DVLA handling. He understood Mr AB's reservations about the driving assessment but, by then, there had been a six months' impasse when the Agency did not have the necessary

assurance that his mental health was stable. When this assurance arrived, the assessment requirement was dropped and Mr AB was promptly re-licensed.

DVLA mishandling after driver reports obstructive sleep apnoea

Complaint: Mr AB declared in error that his condition was not under control, whereupon the DVLA revoked his driving licence immediately. However, Mr AB's GP declared that the condition was in fact under control. A DVLA doctor then decided that this was sufficient only to permit a new application, which would need to be accompanied by further information from a consultant rather than a GP. Mr AB complained that the DVLA should have awaited the form from the GP before reaching their decision. Further, when Mr AB reapplied for his licence, DVLA failed to send the necessary questionnaire to the consultant but sent it to Mr AB's GP instead. This led to further delay in considering the application. Mr AB was without a driving licence for a total of 22 weeks and demanded compensation for loss of earnings during this period.

Agency response: The DVLA defended the revocation based on Mr AB's self-declaration. The GP's information had not been sufficient to warrant rescinding the decision to revoke. The DVLA acknowledged error in sending the form to Mr AB's GP rather than his consultant and offered a consolatory payment of £100. The Agency rejected the claim for compensation for loss of earnings because they considered that the medical decision taken had been correct.

ICA outcome: Mr AB's complaint was partly upheld. The ICA noted that the DVLA had made several errors in its handling, the most serious of which was the failure to send the relevant questionnaire to the consultant. The ICA recommended that the DVLA invite Mr AB to submit evidence of loss of earnings and compensate him for seven of the 22 weeks for which he was without a licence (that being the time lost in consulting the wrong doctor). In addition, the ICA recommended a consolatory payment of £700.

Court action triggers the escalation needed for DVLA reconsideration

Complaint: Mr AB had a very rare condition creating involuntary movements in two digits. It engaged the epilepsy regulations. However, the condition had no effect on his consciousness levels or ability to control a vehicle. Mr AB's entitlement was revoked based on panel advice that any motor manifestation of seizure could never be deemed 'permitted'. He was presented with the standard 'non-permitted' seizure requirement for 12 months without a recurrence. However, typically, the condition manifested several times a day. Mr AB commissioned medico-legal specialists to challenge the position in court. His complaint, after their intervention had appeared to trigger a rethink by the DVLA (obviating a hearing), was that the Agency had not refunded him the several thousand pounds he had paid in legal fees. He was highly critical of the DVLA's non-legal route for challenging licensing decisions. He argued that the evidence clearly showed that

it had been his lawyers' challenges, rather than the claimed new clinical evidence, that had brought about the rethink in the DVLA.

Agency response: The DVLA explained that the advice from the Secretary of State's honorary advisory panel had created a presumption not to license Mr AB. However, his case had been looked at again when his consultant neurologist provided further information. The DVLA insisted that it had been medical evidence alone that had driven its decision-making. Its senior doctor had framed a new request for information from the consultant neurologist in the run up to the hearing, and relicensing had swiftly followed. It declined Mr AB's claim for his legal expenses to be paid.

ICA outcome: The ICA found that it had needed a nuanced analysis from the DVLA's senior doctor to open the door to relicensing given the rareness of Mr AB's condition and the wording of the panel advice. He disagreed with Mr AB that this late-in-the-day rethink called earlier decision-making into question. He observed that having the DVLA's senior doctor personally assess each incoming case would be like having a brain surgeon on 24-hour duty in A&E. He had to judge the Agency by a reasonable standard not a Gold Standard. The ICA showed, however, that it had been (as asserted by Mr AB) the punchy legal challenge that had made the difference. Following this, the pace and seniority of DVLA case handling had escalated dramatically. It was obvious that the necessary escalation had been expedited and catalysed by Mr AB's lawyers and impending court proceedings. The DVLA's claim (maintained through two iterations of the ICA's report, and in the face of much contrary evidence) that it had been new clinical evidence that had made the difference did not stand up; there had been none when the case was reopened. The same points that had been on the table at revocation stage had been resubmitted by the lawyers and were bolstered by the imminent prospect of a feisty legal showdown. However, the ICA did not think that Mr AB's lawyers had been necessary. He pointed to many other cases where the clinical leadership of Drivers Medical had reviewed and amended policy-limited licensing decisions. It would have certainly taken longer to get the necessary escalation without legal pressure, but the ICA did not conclude that the legal spend was essential. In reaching that finding, he also noted the DfT guidance that, ordinarily, legal representation should not be paid for from the public purse. But the ICA was unhappy with the DVLA's determinedly process-blind denial that the legal challenges had no effect, when the evidence plainly showed Drivers Medical reacting to legal representations and deadlines. It was obviously in everybody's interest to keep cases out of court; there was nothing improper in prioritising a case that was headed for court as had clearly happened here, and no reason for coyness. Escalated medical review and legal preparations had run neck and neck from a standing start and it was nonsensical to suggest otherwise. Given the limitations in the Agency's response to the complaint (that had ignored its essence, and remained in the comfort zone of defensible medical decision-making), the ICA partially upheld the complaint and recommended a consolatory payment of £400.

Lack of clarity in medical questionnaire

Complaint: Mr AB complained of undue delay in the DVLA's consideration of the restoration of his driving licence after it had been revoked for medical reasons. Mr AB had previously experienced a transient loss of consciousness (TLoC) and DVLA sought information from both his GP and a consultant to whom he had been referred. Their responses were not entirely consistent. Mr AB argued that the DVLA should have restored his licence sooner, following the advice of his GP that he was fit to drive. He was also concerned about potential ambiguities in the wording of the questions the doctors were asked.

Agency response: The DVLA said that correct decisions had been taken at each stage. As the consultant advised that Mr AB had experienced recurrent episodes of unexplained loss of consciousness without warning symptoms, Mr AB's licence had been revoked. The GP's questionnaire had been consistent with the consultant's opinion and so the licensing decision was unchanged. Based on a further GP letter, the revocation was lifted and Mr AB's entitlement to drive was reinstated.

ICA outcome: The ICA largely endorsed the DVLA's conclusions but recommended that changes to wording of a medical questionnaire should be considered.

Long process of medical investigation not maladministrative

Complaint: Mr AB had suffered from a stroke and had his licence revoked. He was subject to a DVLA medical investigation when he reapplied. Mr AB complained of delays, including in commissioning and interpreting visual tests, followed by a further lag in arranging an on-road driving assessment so that his application could be considered under the exceptional criteria for visual field loss. Eventually, some 11 months after the application, Mr AB passed the driving assessment and was relicensed. He sought compensation.

Agency response: The DVLA had investigated Mr AB's visual field, and then considered the exceptional case criteria for drivers who cannot meet the visual field requirement. This meant obtaining additional information from Mr AB's GP and then a driving assessment that took time to set up. The DVLA declined to pay compensation given the necessity of its investigation process.

ICA outcome: The ICA sympathised with Mr AB whose holiday and working arrangements had been significantly disrupted by the revocation. However, he accepted the necessity of DVLA enquiries and did not uphold the complaint of maladministration.

Mistaken record of customer opting for organ donation

Complaint: Ms AB had opted out of organ donation when she completed the paperwork for her new medically restricted driving licence. However, she received a letter from NHS Blood and Transplant thanking her for joining the NHS Organ Donor Register through the DVLA. She was shocked and distressed by this, feeling that she had been deliberately targeted due to her medical condition. She was particularly concerned that, had she been involved in a serious accident, her family could have been confronted with a falsely obtained intention to donate organs when she had never had that conversation with them, and had not opted to do so. The DVLA had offered a consolatory payment, but Ms AB remained sceptical about the extent to which the Agency had taken on board the impact of the experience upon her.

Agency response: The DVLA was unable to say at first why Ms AB's opt out had not been recorded correctly. Ms AB said that the adviser had suggested that she must have opted in, which was not the case. The DVLA apologised for the error and offered assurances as to its commitment to customer service. In the step 2 response, the DVLA said that the member of staff involved had been spoken to and a £100 consolatory payment was offered. The DVLA also corrected its earlier statement that Ms AB's details had been removed from the NHS register, and explained the steps she would need to take to affect this.

ICA outcome: The ICA was content that the error had been identified and adequately remedied, although all would have wished the step 2 response to have been timelier (it took almost two months to arrive). He asked the DVLA to increase the consolatory payment to £150 to reflect the revised Ombudsman tariff but did not uphold the complaint of unremedied injustice.

Vehicle registration & identity cases

- 2.20 Vehicle identity is hugely important to the owners of historic vehicles, both for reasons of integrity and because the value of their vehicle is much reduced if it is Q-plated (where there is any indication of doubt about the vehicle's authenticity).
- 2.21 We continue to receive complaints about the allocation of body type to vehicles converted for use as motor caravans (a small number of which are reproduced below). We particularly sympathise with those customers whose conversions closely resemble commercially produced campervans but who are still denied the body shape of motor caravan.
- 2.22 Further to a PHSO investigation (Mr M – (case reference: C-2020251, decision date: 29 April 2022), which largely endorsed the view the ICAs had taken over many years, we do not deem the process of allocating body type to be maladministrative, albeit the

implementation of that policy is now much more rigorous than was the case before 2019. The DVLA accepts that the information it provides to customers on gov.uk is insufficient and routinely makes consolatory payments to customers who complain, in line with the PHSO adjudication.

- 2.23 The DVLA has told us that it is reviewing its approach to motor caravan body type, but we have seen few indications of any substantive change to date.
- 2.24 The DVLA has also told us that it is reviewing its policy on the use of mail drop addresses (MDAs) used by customers to register their vehicles. We have received complaints on this issue as customers seek to use mail drop addresses and are refused by the DVLA as a matter of policy. We hope the new policy will make matters clearer for customers.
- 2.25 The loss of cherished number plates is a cause of great upset to customers. Once these plates are lost the DVLA is unable to lawfully reissue the entitlements, despite the benefit both to the customer and to the taxpayer in doing so. In our view, the law should be changed.
- 2.26 Vehicle cloning understandably causes customers distress, particularly when they are asked by the DVLA to authenticate details of their vehicle and are given no comprehensive information while the investigation is ongoing. We are satisfied that this is a necessary precaution during the investigation, and not maladministrative. However, there are rare occasions when information relating to the conclusion of the investigation has not been relayed to the customer as quickly as it could have been.
- 2.27 Issues regarding the Q-plating of vehicles have been highly controversial within the classic car community for many years and a regular feature of the ICA postbag. Not least, the financial impact of a vehicle being Q-plated may run to tens of thousands of pounds. The ICAs welcome the major policy change which took effect from 26 August 2025 that should make it easier for historic vehicles to be repaired, restored or modified without the risk of being Q-plated.

Selected vehicle registration & identity cases

A. Vehicle identification

DVLA retracts decision to Q-plate a vintage military vehicle

Complaint: Mr AB renovated a military vehicle that had seen service with the Allied forces in World War II. He applied to the DVLA to register a different VIN and a change of colour back to the original drab green. The VIN he provided did not correspond with the VIN that the vehicle had been registered with some years earlier, and the DVLA requested pictures and commissioned an inspection. It concluded that the vehicle was not original because it

carried multiple varying identity plates and stamps. Mr AB complained that raising the identity of the vehicle was disproportionate and unjustified when all he had done was notify change of colour and further details that had come to light during the restoration.

Agency response: The DVLA held the line that the disparity in identification marks, and the presence of aftermarket tags, called into question the provenance of the vehicle. It insisted that the vehicle should be Q-plated.

ICA outcome: In his draft report, the ICA expressed concern that the different identification tags and numbers revealed by the restoration had been conflated with non-originality without reference to specialist historical data about how the vehicles had been marked 80 years previously. An online search suggested that the VIN notified by Mr AB tallied with a 1943-built vehicle. If this could be corroborated, then it was the prior registration of the vehicle to an incorrect number that was wrong. The ICA recommended that the DVLA either explain, with reference to an expert opinion, why doubt existed as to the originality, or reconsider its position on Q-plating. After seeking specialist advice from two owners' clubs and escalating the matter to its policy experts for the first time, the Agency reviewed the position. It concluded that Mr AB held a genuine VIN plate for the vehicle that should be properly attached, and that his vehicle should be allowed to retain its original identity and registration. The Agency undertook to ensure that vehicle identity cases like Mr AB's were escalated to specialists in its policy and complaints teams before ICA referral so that opportunities to remedy matters at an earlier stage were taken. The DVLA offered Mr AB a consolatory payment of £100 but he was happy with the review position and declined a payment. The ICA concluded that all the matters of concern had been remedied by the DVLA and did not therefore uphold the complaint.

Disappointing outcome to Q-plate case

Complaint: Mr AB complained about a DVLA decision to Q-plate a classic vehicle belonging to Mr CD. He said there was no doubt as to the identity of the vehicle and the changes made by Mr CD were in line with the bespoke nature of the marque. Q-plating would reduce the vehicle's value massively.

Agency response: The DVLA said Mr CD had reduced the size of the chassis. Because of this, the Q-plating decision was in line with policy and was correct.

ICA outcome: The ICA said the case raised two contradictory issues. There was no doubt that the Q-plating was in line with policy. However, there was also no doubt as to the identity and history of the vehicle - and thus no public protection case for Q-plating. He therefore recommended that the Head of Policy personally review the decision and determine if he had any discretion that could be exercised. The review was carried out, but the Head of Policy determined that the decision should remain. He drew attention to the review of policy in this area that had been announced by the then Secretary of State and

invited the complainants to submit their views. This was a disappointing outcome, but there was no more the ICA could do, and he could not uphold the complaint.

Pleasing result to complaint about classic vehicle

Complaint: Mr AB complained after a rival claim to be keeper of his classic three-wheeler was processed by the DVLA in favour of the other applicant. He produced a considerable suite of material in support of the originality of his vehicle, including a letter of support from the owners' club. Eventually, the DVLA accepted that Mr AB's vehicle was as he said, but as he had removed the engine from the chassis while repairing it, it was deemed to no longer be original. Mr AB was told that he would need to re-register on a Q-plate. He estimated that this whole process over two years had cost him a five-figure sum in depreciation of the value of the vehicle and other expenses.

Agency response: After many representations from Mr AB, in which he was repeatedly asked to submit the same evidence, the DVLA agreed that his vehicle was original. However, the Q-plate outcome remained the same even though an independent inspection commissioned by the DVLA confirmed the originality of the vehicle.

ICA outcome: The ICA reminded the DVLA of other cases where the ability to furnish the original VINs had been critical in establishing vehicle identity. Mr AB had the VIN but had needed to remove it due to age-related deterioration of the chassis. The ICA also reminded the DVLA that he had found in its favour when the owners of classic vehicles had modified the chassis. The ICA believed that the DVLA made a valid distinction between modification and repair. In this case, all agreed that Mr AB had not modified the chassis but repaired it. The ICA urged re-consideration of the case and welcomed the DVLA's Head of Policy's decision that the vehicle could retain its original identity should Mr AB have the VINs professionally stamped into the frame. He partially upheld the complaint given the protracted process that Mr AB had gone through in achieving the sensible outcome directed by the Head of Policy.

ICA review of campervan body type complaint

Complaint: Mr AB complained that the DVLA would not change the body type of his vehicle from van with side windows to campervan.

Agency response: The DVLA had repeatedly refused to alter the body type. It had reiterated that body type must reflect how a vehicle appears in traffic. This was not the same as the use to which a vehicle could be put.

ICA outcome: In the course of a long report, the ICA recommended that the Head of Policy reconsider his decision. However, the outcome of that reconsideration was to endorse the previous outcome. There was no more the ICA could do in the circumstances

but for recommending what has become the standard £100 (now £120) consolatory payment considering the poor information on gov.uk.

Another van with windows

Complaint: Mr AB complained that the DVLA unreasonably refused to register his home conversion as a motor caravan despite his following its guidance to the letter. He also complained that the Agency would not specify why it regarded his van as not looking like a motor caravan in traffic. Instead, it was registered as 'van with windows'.

Agency response: The DVLA explained that the guidance was an indicative list of features; vehicles with all the features were not guaranteed motor caravan body type. It could not inform Mr AB of the basis of its decision – decisions were made on a case-by-case basis. The DVLA maintained that there were no benefits associated with body type registration and Mr AB could use his van as he wished provided that it was safe to do so.

ICA outcome: The ICA made it clear from the outset that he could not change the body type decision. He provided an account of ICA dealings with the DVLA going back to 2019 when the policy on body type registration of converted vans was much more strictly applied. Mr AB had gone out of his way to make all the external charges provided for in the guidance. As in many previous cases, the ICA expressed reservations about the way the DVLA had introduced the tougher implementation of the policy, and its refusal to tell customers exactly why their van did not look like a motor caravan in traffic. He applied the PHSO £100 consolatory payment and said that it was high time the DVLA revised the online guidance, as it had undertaken to do.

Poor service to trader re-registering panel vans to multipurpose vehicles

Complaint: Mr AB, a professional van trader, complained that the DVLA's Vehicle Casework Unit (VCU) repeatedly mishandled his applications to re-register vehicles from panel vans to multipurpose vehicles (MPVs) reflecting an increase in the number of seats and the addition of rear and side windows. On the second occasion in question, he had put the DVLA on notice that it should not make the same mistake (of registering the vehicle as a van with side windows rather than as an MPV), and yet history repeated itself. Mr AB did not believe that the VCU was upping its game.

Agency response: The DVLA accepted that it had fallen into error on two occasions and updated the operating instructions for VCU staff. After an intervention by the ICA, it wrote to Mr AB again outlining its commitment to improve its service and offering a consolatory payment of £120.

ICA outcome: The ICA regarded the DVLA's later efforts as resolving any outstanding unremedied injustice. He agreed with Mr AB that the service had been poor but did not uphold the complaint

Motorcycle converted to tricycle

Complaint: Mr AB had purchased a vehicle in the process of being converted from a motorcycle into a tricycle. The application to have it re-registered had been started by the previous owner in 2012 when it had been inspected by an engineer appointed by a then DVLA local office. However, the previous owner had not pursued the application. In 2024, the DVLA required a further inspection, which concluded that, because the frame of the motorbike had been cut and welded to accommodate an engine from a different manufacturer, a Motor Single Vehicle Approval (MSVA) and Q re-registration were required. Mr AB maintained that the frame had not been cut, and that the original inspector's report should stand.

Agency response: The DVLA said they no longer had the records of the application to their local office which had long since closed. The inspector's report in 2024 had concluded that the frame had been cut. Under the published kit-conversion guidelines the decision to require an MSVA and Q re-registration was therefore correct.

ICA outcome: Mr AB's complaint was not upheld. The ICA noted that it was reasonable for the DVLA to require a re-inspection of the vehicle 12 years after the original one: the vehicle's condition and build could have changed in the meantime. The inspector commissioned by the DVLA had concluded that the frame had been cut and therefore under the published guidelines the decision to require an MSVA and Q re-registration was correct. It was open to Mr AB to commission and pay for a further inspection if he wished to challenge this.

Identity of historic motorbike

Complaint: Mr AB applied for a first registration of a motorcycle he purchased in the USA. He wanted an historic plate and supplied the VIN and engine number. It seemed a motorbike with the same details was already registered and so investigations commenced to identify the genuine bike. Unfortunately, after both bikes were inspected by the nominated garage, no one read the reports, the case was closed, and a fresh V5C was issued to the original owner. Mr AB chased, and the case was re-opened but his complaint was ignored. Mr AB contacted the manufacturer, BSA, who offered advice, but the DVLA spent months trying to find another specialist (the Vintage Motorcycle Club) who themselves asked BSA. Mr AB was eventually told his vehicle was genuine.

Agency response: At steps 1 and 2, the DVLA told Mr AB that the case was being investigated. At step 2, Mr AB was offered apologies and £150 as a consolatory payment. When the case was referred for ICA consideration a further sum of £400 was offered.

ICA outcome: The ICA found the case was plagued by emails and documents going missing. At step 1 there was no investigation of the matter, or why the file was closed without reading the vehicle reports. The reports showed that vehicle 1 had a different

engine number, but the same VIN, but this was not picked up until very late in the day (DVLA internal advice had indicated that this was not significant as the VINs were identical.) Step 2 focussed on the outcome of the investigation rather than the complaint. By this time Mr AB had copy emails sent from BSA to DVLA identifying his motorbike as genuine, but no weight had been given to these as DVLA continued to approach other sources to identify which vehicle was the genuine one. The ICA partially upheld the complaint on the grounds of very poor service and maladministration.

B. Mail drop addresses (MDAs)

The policy on MDAs

Complaint: The Agency's policy is that it will not register a vehicle to an MDA because of their possible use by fraudsters, and because the DVLA and other authorities need an address where vehicle keepers can realistically be contacted. However, Ms AB managed to register her vehicle to an MDA that was not on the DVLA's register of MDAs at the time. When she attempted to re-register to another MDA, the DVLA detected that the address was an MDA and declined the registration. Ms AB complained that its approach was inconsistent and not mandated by the underlying legislation. She had been unable to use her car for some time due to the DVLA's refusal to register it. She contrasted the DVLA's refusal to correspond with her via an MDA with other public bodies that were quite happy to do so.

Agency response: The DVLA reiterated its position on MDAs. Registration of the vehicle to the first MDA had clearly been an error. This had now been added to the DVLA's database. It would not register to either of the addresses provided by Ms AB because they were both MDAs.

ICA outcome: The ICA was quickly able to establish that dozens of companies were registered to both MDAs. He regarded Ms AB's complaint as addressed to policy rather than customer service (that had been of a good standard throughout). Accordingly, he did not uphold the complaint.

Customer challenges legal basis of MDA policy

Complaint: Mr AB complained that the DVLA would not allow his company to register vehicles to its company address. He said this was a misinterpretation of the regulations and denied that the address was an MDA. He pointed out that other authorities would correspond with his company at the address in question; indeed, that the DVLA had previously registered a vehicle there.

Agency response: The DVLA said the address was an MDA and its policy was not to allow such addresses to be used for vehicle registration. It said it had previously approved an application with the address but that it did so before it was identified as an MDA.

ICA outcome: The ICA said this was a matter of DVLA policy and there was a good reason for that policy. Although Mr AB's company was registered at the address in question, there was no doubt that it was a mail drop address and virtual office. Moreover, many companies were registered other than at their premises – for example, at their accountant's offices. The ICA said that if Mr AB continued to believe the DVLA had misinterpreted the statutory regulations he should take his own independent legal advice.

Hope in sight for MDA complaints

Complaint: Mr AB was unhappy that DVLA would not issue a registration document to him because he was using a mail drop address.

Agency response: The DVLA maintained that its refusal was consistent with established policy. The Agency also said it was bound by law to refuse Mr AB's application (which was not the case).

ICA outcome: On receiving the ICA's draft report, the DVLA said that their policy on the use of MDAs was now under review. Considering this review, the Agency was now prepared to issue a registration document to Mr AB, and had written to him to that effect. The DVLA also said it would change the wording of its responses to similar complaints. The DVLA offered Mr AB a consolatory payment of £120, and the ICA judged that there was nothing further for him to contribute.

C. Vehicle registration and related matters

Complex story of car mistakenly notified as having been exported

Complaint: Ms AB complained in relation to a vehicle she had mistakenly informed the DVLA had been permanently exported. She said she had been unable to tax the vehicle and, having nowhere to SORN it, had arranged for it to be scrapped.

Agency response: The DVLA said that the advice it had given Ms AB had been correct.

ICA outcome: This was one of the most complicated reviews the ICA had conducted. It emerged that Ms AB had applied for a VED discount as she was in receipt of the Personal Independence Payment, but this had not transacted as she had not supplied the necessary supporting information. The DVLA also accepted that its advice to Ms AB had not been comprehensive, and there was a system glitch that allowed customers to tax vehicles that had been exported. The ICA said the initial mistake had clearly been on the part of Ms AB. And it had been her decision to scrap her vehicle (notwithstanding the difficulties she and many other customers face in locating their vehicles somewhere off-road). However, the ICA recommended that the DVLA should write to Ms AB to explain what had occurred, and

it should check her PIP VED refund position. He also recommended a £150 consolatory payment for poor service.

Vehicle wrongly recorded as having been scrapped

Complaint: Mr AB complained about issues that arose after he sought to sell a car via a motor trader friend. The car was subsequently returned to him after the onward sale had been unsuccessful because the new owner found that the vehicle had been recorded as having been scrapped. Just how and why a manifestly inaccurate certificate of destruction (CoD) came to be issued was (and remains) unclear. Mr AB's concern was that the DVLA was unhelpful in responding to his queries and unnecessarily delayed the resolution of what has been a protracted saga. It took almost a year before the CoD was removed from the DVLA's records and Mr AB was invited to retax the car.

Agency response: The DVLA accepted there had been delays in the Agency's initial responses and had offered a consolatory payment of £200.

ICA outcome: The ICA recommended a further payment of £250 having identified serious failings in complaint handling.

Failure to notify disposal to trade

Complaint: Mr AB part exchanged his car but, in the event, it remained in the garage due to mechanical faults and two months later the part exchange was reversed. Mr AB agreed with the garage that it would register the car to itself as trade. He removed the personalised plate from it and sent the V5C to the garage. He also wrote to the DVLA explaining events and cancelled the direct debit for tax. Unfortunately, the garage did not notify disposal and no correspondence was received from Mr AB. The DVLA thus put Mr AB on notice that the vehicle was untaxed and could be subject to enforcement action. When he did nothing after a second warning letter, the DVLA imposed a late licensing penalty. Mr AB did not respond until the matter was escalated to bailiffs at which point he stated that he had written twice notifying disposal and arguing that the enforcement should be cancelled. Referring to examples of his public service, he expected £400 compensation for the stress that DVLA harassment had caused him. He offered to provide a statutory declaration confirming he had notified disposal.

Agency response: The DVLA explained that it had received no notification of disposal and had escalated the enforcement under its powers in The Vehicle Excise and Registration Act 1994 (as amended). Notification of disposal after enforcement had been triggered did not mitigate the offence. Mr AB was pointed to the advice to chase up non-acknowledgement of a notification of disposal, as well as the fact that it was a keeper's duty to ensure that a notification was made. The DVLA declined Mr AB's compensation claim, apologising for the delays in the complaints correspondence but categorising them as low level inconvenience and not remediable with the cash payment.

ICA outcome: From the outset, the ICA had signalled the limits on his ability to criticise the DVLA for acting in line with its statutory powers and duties. He did not agree with Mr AB that his circumstances had been complex. The advice on how to notify disposal to trade was widely disseminated by the DVLA. Mr AB could have transacted this before sending the logbook to the dealership, pending the issue of a new one. It had been open all along for him to clarify the arrangements and he had been put on reasonable notice of the consequences of not resolving the continuous registration of the vehicle. The ICA did not regard delays in the complaints correspondence as sufficient grounds to uphold the complaint. The whole episode could have been avoided had Mr AB acted in line with the keeper duties clearly printed on the logbook.

Victim of crime seeks compensation from DVLA

Complaint: Mr AB's van business was trading with narrow margins. His main van was stolen but his insurance would not pay out because a letter was missing from his company's name on the V5C (due to a DVLA keying error). Mr AB said he had endured protracted dealings with the DVLA in proving that the error had not been his. He said this had brought his business to the point of collapse. Two years later he re-issued his claim, seeking payment of £20,000 losses that he argued had cascaded from the Agency's keying error. The DVLA, after prolonged consideration, and the involvement of HM Treasury, offered a consolatory payment of £600. Mr AB complained that this did not compensate him for the massive business losses.

Agency response: The DVLA corrected the V5C a month after being informed by Mr AB of the error (within its expected timescales). Noting that it had taken him 11 weeks to report the error, the Agency refused his compensation claim. When Mr AB renewed his correspondence two years later, the DVLA considered the compensation claim and – after looking at the evidence of losses – declined it because the delay in the insurance company paying out was not the DVLA's fault. As noted, it had offered the £600 consolatory payment.

ICA outcome: The ICA had major reservations about the claim. The ICA understood how the 11-week delay could have occurred given the context – a company struggling to trade with very narrow margins – but there was no guarantee when the insurance company would have paid out even if it had accepted the claim from the outset (the Financial Conduct Authority requires a reasonable offer within three months; in practice, companies will not pay in the month after a theft is reported in case the vehicle is recovered). Moreover, the DVLA was not responsible for the very tight trading position the company was in (the ICA noted that Companies House had started winding it up some time before the theft). Finally, Mr AB was primarily a victim of crime. The DVLA's register did not exist to underwrite commercial transactions (including the transfer of ownership of the van from Mr AB's company to the insurance company). There had certainly been delays and failures

by the DVLA, but the ICA felt that the £600 offered was within PHSO guidelines. He did not therefore uphold the complaint of unremedied injustice.

Mistaken mileage recorded on V5C

Complaint: Mr AB complained that the DVLA would not change the mileage on his V5C. He acknowledged making a mistake when notifying keepership online. Mr AB said that the correct mileage was making it difficult to sell the vehicle. He sought compensation of £2,500.

Agency response: The DVLA said that it accepted mileage in good faith but did not keep a separate register of it. It passed on details to companies including Auto Trader who kept such registers. In the absence of any DVLA error, it declined compensation.

ICA outcome: The ICA said there was no doubt the initial error was on the part of Mr AB. It was also clear that the DVLA had acted promptly when Mr AB notified them that, despite an earlier notification, the mileage companies had not in fact changed their records. However, it was also apparent that nothing had been done to assist Mr AB for the first three months, and staff had been unclear about what actions they could take. The ICA's report included details of changes now made to the Operating Instructions when a mistake had been made by a customer. The ICA did not think a case for compensation could be sustained. But in light of the initial uncertainties, he recommended a consolatory payment in line with the PHSO scale.

Lost in transit #1, the disposing keeper's tale

Complaint: Ms AB disposed of her car to Mr CD. Before doing so, she had submitted the V5C to the DVLA to correct the spelling of her name. Somehow, this notification got lost in the system and would not be processed for approaching a year. When it was processed, the DVLA reverted keepership to Ms AB. But the Agency noted that she was a former keeper and therefore retained the current address – that of Mr CD (not an address that Ms AB had ever lived at). The new logbook addressed to Ms AB therefore was returned to sender by Mr CD. Eventually, months later, Mr CD alerted Ms AB to the problem when he became subject to escalated enforcement action. Ms AB complained that the processing of the V5C should never have happened. The document had been superseded and the transaction cut completely across the vehicle record. This had caused stress and inconvenience for her and Mr CD.

Agency response: The DVLA could not get to the bottom of why the notification of Ms AB's correct name had been lost in the system for 11 months. It corrected the record shortly after she reported the problem, noting that she should have provided a covering letter with the V5C. At the second stage of the complaints process, apologies were offered.

ICA outcome: The ICA had no idea why the address notification had been in limbo the best part of the year, before creating havoc in terms of Mr CD's escalated enforcements. Clearly human error was in play because Mr CD should have received a slip telling him that he had been removed as keeper. This had not happened because the DVLA had decided to register Ms AB to his address. The ICA did not think this had been properly remedied and so recommended a consolatory payment of £100 and partially upheld the complaint.

Lost in transit #2, the new keeper's tale

Complaint: Mr CD (as above) said he was unaware that keepership of his car had reverted to the previous keeper (Ms AB) but to his address. Mr CD was unable to tax but carried on using the car. He ran up a series of enforcements, all of which were addressed to Ms AB. He returned everything to sender. Eventually, a debt collection agency tracked him down and the vehicle was clamped at which point the problem became evident. He complained that the DVLA should pay the escalation costs of his enforcements as its maladministration had denied him the opportunity to settle the fines at an early stage.

Agency response: As before, the DVLA could not get to the bottom of why Ms AB's notification had been processed so late. It did not regard the transaction as an error given the way the V5C had been completed by Ms AB. Eventually, it accepted that Mr CD had faced enhanced escalation costs, and it offered him a total consolatory payment of £500. It refused to pay him compensation on the grounds that he had generated the enforcements by not paying the necessary charges to use various clean air zones.

ICA outcome: The ICA had reservations about the positions taken by both sides in the dispute. First, he noted that Mr CD had taken responsibility for the original enforcements and was requesting reimbursement of the escalated costs. Clearly, he had been denied an opportunity to settle at a more advantageous rate. The ICA felt that the DVLA should therefore consider compensation. However, the ICA was sceptical about aspects of Mr CD's claim. He had been driving in an untaxed car for several months through clean air zones without making any effort to pay in advance or to check the status of his account. The ICA regarded this as reckless and, to a very large extent, the root cause of Mr AB's problems. He recommended that the DVLA should pay a third of Mr AB's escalated costs, bearing in mind that the £500 had been offered with reference to the DVLA's involvement in the escalation. He partially upheld the complaint.

Complaint about £25 fee #1

Complaint: Mr AB complained in relation to the £25 fee he had been charged for a 'replacement' V5C. It had come to light that the address used by the DVLA was incorrect.

Agency response: The DVLA initially said that the £25 was a matter of policy and held its ground. However, it subsequently reviewed the position and agreed that in this and like

cases, the £25 fee should not be charged where there was an incorrect address on the vehicle record.

ICA outcome: The ICA felt the decision to rescind the £25 fee and the new more nuanced policy represented all that he could have achieved. There was no remaining injustice to remedy.

Complaint about £25 fee #2

Complaint: Mr AB complained in relation to two vehicles he had purchased at auction. He complained of delays, confusion and losses because of failures by the Post Office and the DVLA, and the £25 fee he had been charged for a V5C.

Agency response: The DVLA initially defended its actions but at the ICA referral stage it conducted a further review identifying significant service failures and made a consolatory payment of £100.

ICA outcome: The ICA found the sequence of events very difficult to follow. But as it was clear that there had been significant confusion at the DVLA regarding both vehicles, he increased the consolatory payment to £200 in line with the PHSO scale for Level 2 Injustice.

Complaint about £25 fee #3

Complaint: Mr AB complained about the charge of £25 for a replacement V5C.

Agency response: The DVLA said the charge was established in statute.

ICA outcome: The ICA was content that the £25 fee was a matter of law and policy. However, he was critical of the DVLA's messaging and of some of the language in complaints responses suggesting there was no discretion and mis-quoting the relevant law. He said that the DVLA should consider how better to inform customers that a £25 fee would be charged if they did not alert the Agency to non-receipt of a V5C within the six-week (discretionary) grace period. The DVLA responded favourably to the ICA's comments and recommendation.

Poor handling of complaint

Complaint: Ms AB complained on behalf of her partner that the DVLA had incorrectly registered a vehicle in his name without undertaking all relevant checks. She also complained about how the DVLA had managed her complaint and her request for information and preventative action.

Agency response: The DVLA accepted that it had mishandled Ms AB's information request and issued a £200 consolatory payment. It was satisfied that in terms of the registration of the vehicle it had acted appropriately.

ICA outcome: The ICA found that the DVLA had followed the registration process correctly. However, the ICA also found that the DVLA's handling of Ms AB's complaint had been poor and that it should have acted sooner to reassure her about what had happened. The ICA asked the DVLA to apologise for and to offer a further consolatory payment of £100 for the additional frustration and worry it caused.

Complex issue of keepership

Complaint: Mr AB bought a new car that swiftly broke down. He decided to invoke his consumer rights and return the car to the vendor for a refund. However, the dealership was apparently going into liquidation, and he ended up instructing a lawyer to assist him. He cancelled the insurance, only to be put on notice by the Motor Insurance Bureau that he could be fined. He contacted the DVLA for advice and was told that he should register the car online as disposed of to trade (at this stage, he had not been in possession of the vehicle for several months). The Agency explained that doing so would not compromise his claim to ownership, which was a different matter. Unfortunately, the dispute with the dealership was not resolved, and Mr AB was advised to cut his losses and become keeper of the car once again. He complained that the DVLA register represented him as a second keeper when he had deregistered to trade on its advice - advice that he felt did not address the situation in the round.

Agency response: The DVLA maintained that the advice had been correct. Mr AB needed to go back on the record as a new keeper as he was not otherwise in a position to notify SORN. The vehicle had been out of his possession for several months with the dealership. Arrangements for the refund of tax (Mr AB had been refunded tax when he notified disposal) were explained.

ICA outcome: The ICA was sympathetic. He had bought a new car in good faith only to run into a mountain of difficulties when it broke down. Perhaps, with hindsight, Mr AB should have simply re-insured the vehicle rather than assigning it into trade. However, this was not advice that the ICA thought the DVLA could give when it was aware that a vehicle was registered to someone who had no access to it. Based on the presenting information, the ICA was content that Mr AB had been correctly advised. He commended the DVLA's step 2 complaint response for its thoroughness and clarity. He did not uphold the complaint.

Keepership of Motability vehicle

Complaint: Mr AB had kept a Motability vehicle for four years and decided to buy it. He complained that the DVLA had misadvised him before purchase that change of ownership

would not change the number of keepers recorded on the logbook. He had therefore been dismayed to discover that a prior keeper was registered. He pressed the DVLA for £1,000 compensation reflecting the depreciation in the value of the vehicle.

Agency response: The DVLA provided generic apologies, but explained that a fleet code had always existed against the registration while the car was owned by Motability because Motability remained responsible for licensing and taxing it. It was therefore established DVLA policy to conflate a change of ownership from Motability with a change of keepership, even when the acquiring party had been registered as keeper beforehand. The Agency listened to all available calls, and could not find any logged against the registration prior to Mr AB's purchase. One of the subsequent calls did include incorrect information that acquisition would not affect the number of keepers recorded. The DVLA apologised and made a consolatory payment of £50.

ICA outcome: The ICA listened to the three calls following the purchase and noted that, in the first, Mr AB had enquired (seemingly afresh) whether his purchase would affect the number of keepers. He was, as the DVLA had reflected, misinformed that it probably would not. In subsequent calls, Mr AB referred to mis-advice as having occurred before the purchase. The ICA found no evidence for this, noting that the log of calls against the registration began after the purchase. The ICA did not think that the evidence supported mis-advice before purchase and did not therefore uphold that aspect of the complaint. He recommended that the DVLA take steps to ensure that its contact centre staff were fully aware of the fact that a change of ownership from Motability would be shown as a change of keeper in any circumstance, regardless of who acquired the vehicle. The ICA did not uphold the complaint of unremedied injustice.

Baseless claim on public funds by a victim of maladministration by a car dealership

Complaint: Mr AB complained after his car was mysteriously mis-registered to a former address. (A V5C had never been received by him as the dealership originally mis-registered its own address to the vehicle after selling it to him.) He complained that the DVLA's checking procedures on V62 transactions were deficient and the mis-registration should have been spotted as dubious and blocked. While his car was registered to him at the dealership's address, and then to an old address, Mr AB clocked up four motoring/parking offences and ended up paying escalated costs for which he blamed the DVLA. He sought compensation and a consolatory payment to reflect his considerable stress and losses. He said DVLA staff, and the chatbot, had neither been sympathetic nor appreciative of the massive upset this had caused him.

Agency response: The DVLA had no idea why the mis-registration application had been made but was satisfied that this routine transaction was conducted without error and in line with the presumption that notifications on the register are made in good faith. It provided Mr AB with a copy of the V62, and restored registration to the correct address. It

explained how the rogue V62 had been processed and why the incorrect fuel type recorded on it had not raised alarm bells. It apologised for the delays.

ICA outcome: Through his own research, Mr AB had established that the penalties he had accrued had been referred to the dealership whose address was still held on the vehicle register for the car. The dealership had then very belatedly applied to register Mr AB to the vehicle using the V62 form but had not told the DVLA or Mr AB what they were doing. As a result, they used his old address. This was why enforcement correspondence for Mr AB did not arrive until the costs had been escalated, costing him several hundred pounds more than it should have. The ICA was not convinced by Mr AB's claim on public funds. First, the root cause of his misfortune was errors by the dealership. (Mr AB had been scathing about the DVLA and silent about the outcome of any complaint to the dealership.) Secondly, Mr AB had an opportunity to chase up the non-arrival of the logbook four to six weeks after acquiring the vehicle. He had not done so, meaning that the original mis-registration to the dealership address (followed by the mis-registration to his old address) was in place while he was busy clocking up tickets. Thirdly, the taxpayer should not have to pay for Mr AB's driving and parking infractions. The ICA noted that the level of checking and scrutiny of routine notifications against the vehicle register expected by Mr AB was unfeasible in the context of 18.6 million V5Cs issued in the last business year. He had to judge the DVLA against a reasonable standard and its existing policies, rather than standards and policies dreamt up by complainants. The money held by the DVLA was not a 'war chest'. It was the same taxpayers' money that paid for policing, hospitals and schools. There was no maladministration and Mr AB had no claim to public funds. The ICA did not uphold the complaint.

D. Personalised (or 'cherished') number plates

Long lost cherished plate #1

Complaint: Mr AB complained in respect of cherished registrations that the DVLA had processed years previously following an application from a Trustee in Bankruptcy. Mr AB alleged that the registration had not formed part of the bankruptcy proceedings and the DVLA had therefore acted improperly.

Agency response: The DVLA said that Mr AB should address his concerns to the Trustee. It said it had followed its standard procedures.

ICA outcome: The ICA said he was hampered as there was no copy of the bankruptcy judgement on the file. However, it was normal for cherished plates to be included in a bankrupt's assets, and he could not identify any maladministration. The DVLA had courteously explained its position and the suggestion that Mr AB address his concerns to the Trustee seemed appropriate. Mr AB had indicated that he might take legal action against the DVLA but that was a matter for him after taking legal advice.

Long lost cherished plate #2

Complaint: Mr AB has lived abroad for many years. He complained that the DVLA would not recognise his right to a private plate on a vehicle he had sold while living in another country.

Agency response: The DVLA had explained that rights to display number plates were strictly constrained by law. Plates were not free-standing items of property as Mr AB asserted. In his case, he had no right to the number as he had sold the vehicle, it had been permanently exported, and it had been subject to SORN for many years.

ICA outcome: The ICA sympathised with Mr AB for the loss of a personalised plate. But he could identify no maladministration in the DVLA's approach. Mr AB had lost the right to the plate many years previously for a variety of reasons.

Difficulties in retaining personalised plate

Complaint: Ms AB applied online to remove a personalised registration number from a vehicle. She intended the resulting V778 retention certificate to be in the name of her partner, Mr CD. Mr CD was the original purchaser of this registration number, and it had been successfully transferred to various vehicles since. However, because Ms AB was the registered keeper of the vehicle, the V778 certificate was automatically issued to her, not Mr CD. Ms AB asked the DVLA to reissue the V778 certificate in Mr CD's name.

Agency response: The DVLA said it would have been clear to Ms AB when effecting the online transaction that the V778 certificate could only be issued to the vehicle's registered keeper. The website also made it clear that, if the vehicle was not in the applicant's name, an application should be made by post.

ICA outcome: Ms AB's complaint was partly upheld. The ICA agreed that the online application form did not make it entirely clear that the V778 certificate could only be issued to her as the registered keeper. The ICA recommended that DVLA make a consolatory payment of £80 to Ms AB to reflect the cost of transferring the private registration number back to Mr CD.

Plate in unlawful format

Complaint: Through his lawyers, Mr AB challenged the revocation of his entitlement to display an expensive customised vehicle registration number. He had displayed the plate with unlawful character format and spacing and had been caught by the police. The police referred the offence to the DVLA who asked Mr AB to display the plate lawfully. Mr AB provided the requested proof - before putting the illegal plate back on. Several months later he was caught again, and the revocation occurred. Central to Mr AB's argument was that he had not received a letter from the DVLA telling him that a repeat offence would

result in revocation. Mr AB's lawyers also repeatedly questioned the legal basis of the revocation, and its proportionality.

Agency response: Following the first offence, the DVLA sent a standard letter requesting that lawful plates be restored to the car. Its INF104 information leaflet and V778 retention document both refer to the power to withdraw the entitlement to a plate (although not the policy position that withdrawal is triggered by the second offence). The DVLA then sent a letter confirming that the case was closed, putting Mr AB on notice that a second offence would result in the withdrawal of the plate. This was the letter Mr AB said he did not receive. The revocation routinely followed the identification by the police of the second offence. The DVLA emphasised that, notwithstanding Mr AB's claim that he had not received the letter, he had been given fair notice of the possibility of withdrawal.

ICA outcome: The ICA had little sympathy with the points made by Mr AB's lawyers. The suggestion that revocation of the plate had to be specifically mandated in law was plainly nonsense. Public administration would grind to a halt very quickly if every public body required prescriptive legislation for every decision it made. The DVLA was entitled to formulate and operate a policy, and ignorance of the precise trigger point for revocation was no defence, when revocation was clearly flagged in the documentation. The ICA was content that the DVLA had given a reasonable account of its discretion to withdraw and assign registration marks under section 23 of the Vehicle Excise and Registration Act 1994 (as amended). The Agency had also explained that the plate was not the property of the grantee. The ICA had some sympathy with Mr AB's point that the DVLA's complaints responses had been confusing. Its enforcement operation used the vehicle tax system meaning that there were references to out of court settlements (fines). Mr AB had offered to pay a fine as his was a high value plate. In his final review, the ICA referenced the DVLA's acknowledgement that it had erroneously referred to fines being levied and paid, and its undertaking to improve its complaint responses. In other regards, the ICA found the complaint responses somewhat generic and not sufficiently addressed to the points made. He therefore partially upheld the complaint. He also requested a senior review of the revocation given the likely five figure value of the registration. This review upheld the earlier position that entitlement to display the number was permanently revoked. The ICA made no criticism of this given Mr AB's blatant disregard for the law.

Poor advice to customer seeking to retain plate

Complaint: Mrs AB sold her moped with a personalised plate on it. This was on the basis that she would retain the plate with the assistance of the new keeper (because the bike had been on SORN for more than five years, given the legislation governing personalised plates, she could not retain online). She followed DVLA advice to pay £80 to retain but the new keeper had registered the bike to themselves in the meantime. This meant that the retention document went to them. In the meantime, the DVLA encouraged Mrs AB to attempt the retention using the reference number on the logbook. This resulted in the retention document going to the new keeper. In the end, Mrs AB lost title to the plate.

Agency response: The DVLA explained initially that, while she was still keeper, Mrs AB could retain. This was correct advice. However, the retention was overtaken by the electronic registration of the bike to the new keeper and the DVLA then misadvised Mrs AB that she could retain online by using the V5C document number and postcode. This could never work as the keeper would always receive the retention certificate. In the end she lost the £80 retention fee and the value of the plate. The DVLA accepted that contact centre and complaints team handling had fallen below the necessary standard, and staff were orientated to the relevant rules. A consolatory payment £150 was offered.

ICA outcome: The ICA highlighted how the original error had been compounded by failures in communication up to and including the complaints investigation. The DVLA had relied too heavily on the fact that Mrs AB had tried to retain after disposing (a fact that she was all too aware of). The ICA recommended that the consolatory payment be increased to £230 and recommended that the teams involved be resourced to deal correctly with similar scenarios in future. He partially upheld the complaint.

E. Fraud

Victim of fraud #1

Complaint: Mr AB bought a motorcycle and renovated it, spending in the order of £5,000 in total. Six months later, it was seized by the police, the bike having been stolen five years earlier. The police repeatedly assured Mr AB that they had lodged a stolen marker against the police national computer (PNC) that should have had a six-year currency. Mr AB complained that at least two keeper change transactions had been processed against the record for the bike after this marker had been put in place.

Agency response: The DVLA explained that it had been completely unaware that the bike was marked as stolen until Mr AB complained. An unsatisfactory scenario then followed during the complaints process whereby the police insisted that the DVLA had fallen into error, while the DVLA repeated that any marker placed by the police against the record had not transferred to the Agency. The ICA sought further information from the DVLA who explained that a limitation on the PNC was that, if no transactions occurred, the record could become dormant. Ordinarily, the DVLA would expect the police to be aware of this when trying to attach a stolen marker. When this happened, the police would inform the DVLA who would manually attach the marker to its own register. For unknown reasons this had not happened. The police were moving away from the PNC into a fully integrated platform in the near future.

ICA outcome: The ICA was disappointed that Mr AB had been in a situation where two public bodies were, in effect, blaming each other. Mr AB primarily was a victim of crime. He had transacted in good faith for a vehicle with a valid V5C and then invested significantly in renovating the bike, only to lose it. Unfortunately, it appeared that the

police and the DVLA were not at a stage whereby they could collaborate effectively and provide a joined-up response in line with Ombudsman guidance. The ICA found no error in the DVLA's handling of the case, but provided further detail from the Agency as to how its register communicated with the police. He expressed significant empathy with Mr AB as a victim of crime but did not hold the DVLA responsible for his losses. He did not, therefore, uphold the complaint.

Victim of fraud #2

Complaint: Mr AB bought a prestige car without a V5C. He complained that two years later the DVLA was still refusing to register the car to him despite repeated requests for information, and chasers. He had been unable to sell it and demanded that the Agency meet his losses.

Agency response: The DVLA had marked the car as suspicious, having received an application to register it to someone else earlier in the month of Mr AB's acquisition. The Agency had informed the police and was expecting the force to inspect the vehicle. Until the vehicle had been identified as genuine, the DVLA would not register it. After Mr AB's acquisition, the DVLA asked for identifying images from Mr AB. It was able to confirm that this was the same vehicle that had attracted suspicions the year before. Five months after acquiring, Mr AB chased up his application and the DVLA realised that it had failed to update the police about his acquisition. It did so, but still nothing happened. (It transpired that the police force involved was under massive operational pressures.) Mr AB complained with increasing rancour. All the DVLA could do was tell him to await police contact or to get the car's identity verified at a dealership. Two years later, things were no further forward.

ICA outcome: The ICA thought that the DVLA could have been a lot clearer about the basis of its position. It had not failed to register the car to Mr AB. It had refused to do so. Nonetheless, Mr AB had been able to tax the vehicle in the interim. The ICA noted the DVLA advice to people acquiring cars not to do so in the absence of the V5C. He regarded Mr AB as the victim of crime rather than of DVLA maladministration. He was satisfied that the fraud team had investigated the provenance of the vehicle and had reasonable grounds to doubt its identity. Unfortunately, the deadlock was a product of pressure on police resources. The ICA did not feel that it represented maladministration by the DVLA and did not uphold the complaint.

Cloned motorbike

Complaint: Mr AB had bought a motorcycle that was in fact a clone. This was only discovered when the owner of the original motorcycle notified a change of keeper and the DVLA removed Mr AB as the registered keeper without making any checks. Mr AB said the DVLA casework unit had requested photos of the bike which he had sent, but the DVLA had not filed them in the correct format. The DVLA also requested images from the owner

of the original motorcycle, but these were never received. The DVLA did not respond to Mr AB's request for an update. After an apparent period of DVLA inactivity for seven months the Agency sent the case to another department at which point it was discovered that the photos sent in by Mr AB were not available. The DVLA requested the photos again about a year after the original request.

Agency response: The DVLA initially refused to accept any errors had been made or to apologise for them but at step 2 the Agency did apologise for the delays and lack of updates. However, the DVLA maintained that no mistakes had been made; nor did they explain the reasons for the extensive delays. Nevertheless, the DVLA had offered £200 as a consolatory payment.

ICA outcome: The ICA felt that the DVLA had made a string of errors that were not fully addressed or accepted during the complaints process. The ICA recommended an additional £150 consolatory payment

Victim of potential fraud kept in the dark

Complaint: Mr AB bought a new car and registered it in his name. Shortly afterwards, the DVLA received a V62 for the same vehicle. It asked Mr AB for further information about the vehicle. They also wrote to the other person who did not respond. The DVLA file was closed but Mr AB was alarmed. A month after that, yet another person sent a V62 application and the DVLA wrote to both Mr AB and the second applicant asking them to supply further information. The DVLA's enquiries were completed but the DVLA did not tell Mr AB. In fact, he owned the original vehicle and not one that had been cloned, but he was understandably very worried for months that he had purchased a cloned car. The complaint spiralled when the other car was written off in an accident, but Mr AB's vehicle record was closed. A protective marker had been applied to his vehicle record when it was proved that he had the original. Unfortunately, it was manually removed which allowed the insurer of the cloned vehicle to report it as a category B disposal (meaning the car had been written off as damaged beyond repair). This resulted in Mr AB's vehicle suddenly becoming untaxed.

Agency response: In its step 1 response, the DVLA apologised to Mr AB, confirmed he had a genuine vehicle, and said they could not give any details about any ongoing police investigation or about the other owner. Mr AB was not happy with this response and the matter was escalated. The Agency's step 2 letter went into more detail. The DVLA accepted that they should have told Mr AB earlier that his vehicle was genuine. The Agency apologised for poor service and offered Mr AB a £50 consolatory payment. At the point of ICA referral, a further letter was sent containing more detail and a consolatory payment of £120. There was then yet another DVLA letter reporting that clerical errors had led to Mr AB's car being untaxed for a short period. The consolatory payment was increased to £240.

ICA outcome: The ICA judged the complaint handling to have been very poor but noted that, in line with its standard approach, the DVLA would not share any information with Mr AB whilst the fraud investigation was ongoing. The ICA recommended that more information be shared once the fraud investigation was completed. A further consolatory payment of £260 was also recommended so the final sum paid to Mr AB would be £500.

Vehicle tax & enforcement

- 2.28 We receive many complaints relating to vehicle tax (vehicle excise duty or VED) and enforcement, but it is very rare that we are able directly to assist. The law on vehicle taxation is in very strict terms and, as we have said on many occasions, enforcement action on behalf of the Secretary of State often appears unforgiving and disproportionate. Many otherwise law-abiding citizens, with no intention of avoiding their responsibilities, are bemused to find that they are pursued by the DVLA for vehicles they have sold or disposed of because, for one reason or another, they remain the registered keepers. However, that is how the law is written, and any change would be a matter for the political process not for us as administrative complaint handlers.
- 2.29 We advise complainants that the ICAs do not function as an appeals body for regulatory decisions made by the DVLA or other DfT public bodies. We also say that we have little or no leeway to criticise the DVLA for exercising the powers given to it by Parliament. We find that the Agency will pursue enforcements relentlessly, reserving mitigation for only the most extreme circumstances. The precise criteria have not been disclosed as there is an exemption against disclosure of this information in the Freedom of Information Act. Our understanding as ICAs is that medical incapacity, bereavement and military service are likely mitigations.
- 2.30 We strongly advise vehicle keepers not to rely upon third parties (dealerships or the new owner) to alert the DVLA when disposing of their vehicle. If a receipt notice is not received from the DVLA within four weeks, keepers should contact the DVLA immediately.
- 2.31 A further cause of dispute is where, for some reason, an existing direct debit for road tax was not cancelled following the keeper's disposal of their vehicle. In these circumstances, the DVLA may receive 'double taxation' from both the old and new keepers (as it does routinely in month 1 after a vehicle is sold). Again, this follows from policy and legislation and is clearly of benefit to HM Treasury. However, we doubt that one person in a hundred would deem it to be fair.
- 2.32 We receive complaints when the customer has made an application for a vehicle tax discount and refunds in cases where they claim welfare benefits. These applications are processed manually (sometimes at a Post Office) with evidence of entitlement to

the welfare benefit. This discount cannot currently be achieved through an automated system which is an understandable source of complaint. Moreover, if the payment is made by direct debit, the discount and refund may only be applied once the entire year's tax is paid.

- 2.33 The legislation only permits refunds of vehicle tax for a period that ends 12 months after the end of the tax period; any applications for refunds over a longer period will be unsuccessful. This too is a source of dissatisfaction for those customers who have a longstanding entitlement to welfare benefits but who did not realise they could claim a vehicle tax discount and refund.

Selected vehicle tax & enforcement cases

A. Vehicle tax

Problems with PIP VED discount #1

Complaint: Mr AB, who receives the Personal Independence Payment (PIP), complained about the process for claiming a vehicle tax reduction and said that the DVLA had made mistakes in the handling of his claim. He also complained about the way that the DVLA had handled his complaints and that the consolatory payment it had issued was inadequate.

Agency response: The DVLA accepted that there had been some handling issues in Mr AB's case and offered Mr AB apologies and a consolatory payment of £150.

ICA outcome: The ICA was frustrated that the issues around entitlement to PIP and reduced vehicle tax had not yet been resolved and there was no automated process in place. The ICA found that after much delay the DVLA had considered and responded to Mr AB's concerns appropriately and could see no basis to recommend an increase in the consolatory payment that had been offered.

Problems with PIP VED discount #2

Complaint: Mrs AB complained on behalf of her husband that the DVLA had refused to backdate his PIP entitlement to reduced vehicle tax. She also complained that, because he paid vehicle tax by direct debit, he had to wait until the end of the year to get a refund. Like many complainants, Mrs AB also complained that there is no automated process for people in receipt of PIP to access the vehicle tax discount.

Agency response: The DVLA was satisfied that the application had been considered appropriately and explained why it was unable to issue a refund to individuals who paid by direct debit until the end of the vehicle tax year.

ICA outcome: The ICA found that the DVLA had acted in line with relevant legislation in deciding not to backdate the refund and in the way it processed Mr AB's direct debit. But the ICA was not satisfied that the DVLA had handled Mrs AB's complaints as well as it could have done and recommended an apology.

Problems with PIP VED discount #3

Complaint: Mr AB's elderly mother had been adjudged not eligible for personal independence payment for mobility. She was entitled to the standard rate for daily living only. Not understanding this, Mr AB nevertheless managed to tax her car at 50 per cent of the full rate at the Post Office. In correspondence, the DVLA explained that she was not eligible and refused Mr AB's attempt to claim two years' backdated overpayment. He then learned that he in fact owed £180 having wrongly taxed at the discounted rate. Mr AB complained that the messaging from the DVLA had not made it clear that the mobility component of PIP was necessary. He pushed the DVLA repeatedly to rescind the £180, expressing outrage and offence when the Agency's automated VED collection machinery sent him a letter putting him on notice that legal action would be taken if he did not pay.

Agency response: The DVLA held the line that its published policy was clear that a mobility element of PIP was the trigger to a discount or exemption from VED. Mr AB's mother certainly did not qualify and therefore he would have to pay his car tax like everyone else. The DVLA paused recovery action on the outstanding VED in the latter stages of the complaint. It made a consolatory payment of £50 in acknowledgement that its contact centre messaging could have been explicit about the need for the mobility component of PIP to trigger a VED concession. Mr AB continued to press for the £180 to be rescinded.

ICA outcome: The ICA was sceptical about the merits of Mr AB's case. He did not see why tax collection should cease simply because someone had lodged a complaint. The information was readily available about the eligibility criteria for VED exemption or discount. The DVLA should not be held responsible for an error by the Post Office. The ICA did not uphold the complaint, finding that the £50 consolatory payment and the Agency's improved messaging from the contact centre about eligibility represented sufficient remedy.

Problems with PIP VED discount #4

Complaint: Mr AB tried to tax a newly purchased vehicle online but found he could only do so if he set up a direct debit. The next day, he contacted DVLA to say he wanted to cancel the direct debit and pay the whole amount by cheque. He also wished to benefit from the 50% PIP discount to which his wife was entitled. The DVLA gave him delayed and incorrect information about how to do this and included in their communications standard lines which did not apply to Mr AB's case.

Agency response: The DVLA accepted that its caseworker had failed to explain that the Agency could not cancel the direct debit and that Mr AB had to do this himself. However, the DVLA had then proceeded to request documentation and evidence which Mr AB had already provided.

ICA outcome: The ICA partly upheld the complaint. He found that the DVLA had made extremely heavy weather of Mr AB's relatively simple questions: he had not received the level of service he had the right to expect. A £100 consolatory payment was recommended. The DVLA also agreed to refund the payments by direct debit received since the vehicle's purchase on receipt of a cheque for the 50% discounted rate.

Problems with PIP VED discount #5

Complaint: Mr AB applied for a refund of road tax as he had been in receipt of PIP for many years but had never claimed the reduced rate of vehicle tax to which he was entitled. He complained that the DVLA would only refund him a fraction of what he said he was owed.

Agency response: The DVLA said that by law refunds of road tax could only be made within 12 months of the expiry of the tax period. It said it had no discretion.

ICA outcome: The ICA said that in his lay view the DVLA had correctly interpreted the law - which he quoted to Mr AB. In these circumstances, while he sympathised with Mr AB, there was nothing he could do to assist him and there had been no maladministration.

Complicated case involving car dealer

Complaint: Mr AB, a car dealer, sold a car to a customer but did not have a V5C/logbook. He therefore applied to the DVLA using the V10/tax and V62/logbook documentation, paying £25 for the logbook and £180 in tax. The logbook did not arrive and he chased up a month later. Wires then got crossed in the DVLA and Mr AB was incorrectly advised that the DVLA should not have collected the £180 from him. However, eventually a V5C was issued to the new keeper and the car was taxed correctly. Several months later, Mr AB acted on the misinformation that the tax should not have been collected and campaigned over a period of several months for the DVLA to pay him back. Confusingly, at one point, he was re-registered to the car and several months' tax were in fact refunded to the new keeper (this was reversed by the DVLA after the intervention of the new keeper).

Agency response: The DVLA eventually established that there had been errors in the handling of the registration of the vehicle (it should not have been registered back to Mr AB who had only ever held the vehicle in trade, and had no claim to present or historic keepership). It attempted to claw the tax refund out of Mr AB, but it turned out that he had never cashed the cheque. To complete the confusion for all involved, Mr AB at one point forgot that he even received the cheque.

ICA outcome: The ICA was satisfied that the original actions of the DVLA in accepting the tax from Mr AB, and registering the vehicle to the new keeper, had been correct. Unfortunately, errors then crept into the Agency's communications with Mr AB. The first was in telling him that the tax should not have been collected from him. The second was in registering the car to him when he had no claim to keepership. With these in mind, and the fact that the DVLA had taken some time to admit any error at all, the ICA partially upheld the complaint and recommended that a consolatory payment of £75 be made. The ICA was not sympathetic to Mr AB's claim that the DVLA should wholly refund the tax he had paid on the vehicle.

Short delay before direct debit is cancelled

Complaint: Mr AB sold a car in month 1 and rang the DVLA to check that his direct debit would be cancelled. He reported that he was given an assurance that it would be. Mr AB was therefore disappointed at the beginning of month 2 to note that a month's tax had been taken. He requested compensation.

Agency response: The DVLA explained that it was impossible to cancel the direct debit within three days. Its systems automatically refunded deductions and in fact this had occurred shortly before the Agency responded to the complaint. It declined compensation.

ICA outcome: The ICA saw no case for compensation. It was unfortunate that Mr AB had been misadvised but the refund was made efficiently and apologies made. It was standard in the world of direct debits that immediate cessation could rarely be affected. He did not uphold the complaint.

Customer loses out as increase in tax takes effect

Complaint: Mr AB tried repeatedly to tax his vehicle on the last day of the month by telephone and the internet electronic vehicle licensing portal (EVL). Neither service could complete the transaction, and it was not until the next day that he was eventually successful. As this coincided with the Budget increase in vehicle excise duty, he had to pay an extra £15. Mr AB complained that he had been misadvised on the phone that there had been no system outage, that the DVLA's licensing portal was malfunctioning, and that the complaints portal was also refusing to transact. He sought a refund of the additional tax he had paid, and was dismayed that he had had to complete the complaints procedure to do so.

Agency response: On the phone, the DVLA initially denied that there had been an outage. It then explained that the system had been taken down, but sometime after Mr AB had attempted to tax (the planned outage had occurred between 23:30 and 01:50 hours).

In the absence of any evidence of system failure, the Agency would not refund the additional tax Mr AB had paid.

ICA outcome: The ICA was satisfied that the system was working as expected on the day in question (the DVLA provided statistics of completed transactions). He could not explain Mr AB's problems nor reach a reasonable finding that it had been a DVLA glitch that had stopped him from taxing on the last day of the month when the old vehicle tax rate applied. However, having listened to Mr AB's calls, the ICA was disappointed by the service he had received. The first staff member had not understood that the system had been deliberately down some of the time, but that this should not have prevented Mr AB from transacting at the times that he had attempted to do so. On the second occasion, after Mr AB had tried to complain, the staff member he spoke to had no idea what the complaints reference number was and told him to have another go from scratch. The ICA felt that the DVLA's systems should reflect its ambitions for seamless digital connectivity, and that customers should not be sent around workarounds. Although he did not uphold the complaint, he recommended that the Agency make a £50 goodwill payment and take steps to ensure better connectivity between its contact centre and the complaints function.

Customer criticises V11 letter for not anticipating changes in the Budget

Complaint: Mr AB was told in his V11 reminder to tax letter that the vehicle excise duty for his Land Rover would be £570. In the event, the rate had increased to £600 in the budget. Mr AB argued that dispatching a reminder to tax with the incorrect amount represented maladministration. He rubbished the DVLA's account of its operations.

Agency response: The DVLA explained that wording was provided on the V11 putting keepers on notice that rate changes would apply for tax starting from 1 April 2024, and the correct rate would be available at the point of application. It explained that the V11 letters were batch printed several weeks in advance, and that it was not logistically possible to adjust the system so as to reflect changes in VED implemented by the Government.

ICA outcome: The ICA noted that the complaint was addressed to DVLA policy and logistics rather than customer service. He regarded the DVLA's explanation of its operation as reasonable, and the cautionary wording on the V11 about the change in VED rate as equally reasonable in the context of an industrial scale reminder operation. He did not uphold the complaint.

Non-receipt of V11

Complaint: Mr AB did not receive the V11 reminder to tax, failed to do so and was issued with a late licensing penalty. He complained that the DVLA's systems for supporting keepers in meeting their duty to tax were out of date and inefficient. He had never missed his vehicle tax before. He had then taxed assuming that the cover would backdate and the enforcement would be cancelled, only to be pursued by a debt collection agency. Mr AB

said he would be happy to pay tax by direct debit. It was a struggle meeting caring/family duties without doing the DVLA's work for it.

Agency response: The DVLA insisted that the reminder correspondence had been sent to the correct address. In any event, it had been the keeper's responsibility to ensure continuous registration. Mr AB was liable, therefore. As the correspondence rumbled on, the DVLA explained why electronic V11 notification was not applied (a trial had called into question its efficacy) and also how Mr AB could ensure that the prompts arrived through the driver and vehicle account.

ICA outcome: The ICA pointed out that the option of direct debit had been there all along. He regarded much of the complaint as being addressed to DVLA policy and practice underlying its massive driver and vehicle operations. The bottom line was that Mr AB had been responsible for ensuring tax cover. He did not uphold the complaint.

Consequences of vehicle disposal on last day of the month

Complaint: Mr AB notified disposal of his vehicle through the post on the last day of month 1 using the slip on the V5C. He complained that he did not receive a vehicle excise duty refund for month 2. He had been unaware of the option of notifying disposal in real time on the website. Mr AB characterised DVLA policy as unfairly disadvantaging people who do not use the internet. He said he had not used the car at all in month 2 and requested that the DVLA apply a sensible and morally correct approach.

Agency response: The DVLA repeatedly spelled out its policy whereby the tax rebate was calculated from the date that the notification was received. The Agency claimed that it was bound by legislation and had no discretion.

ICA outcome: The ICA had a different view to the DVLA as to the extent that it was constrained by the legislation in determining when the rebate condition was satisfied. However, he was content that the refund had been administered in line with the well-publicised policy. He did not, therefore, uphold the complaint.

Life imitates ART

Complaint: Mr AB spent over £40,000 on a new car that was registered to his company and taxed for its first year by the dealer. He decided to re-register it to himself. This had the effect of cancelling the vehicle excise duty (VED) and prematurely engaging VED at the enhanced additional rate of tax (ART) reserved for high value vehicles.⁵ In re-registering the car to himself, Mr AB brought forward his liability for ART by 11 months and paid several hundred pounds of VED he could have avoided. He complained that he had been

⁵ ART – an additional £420/year – is payable for all new vehicles with a list price exceeding £40,000. ART is payable from either year 2 of VED liability (until year 6), or from the date of the first keeper change (if sooner).

misadvised that the re-registration could be reversed, that the DVLA would not refund the additional VED he had paid, and that the Agency had enforced against him with a £240 out of court settlement (OCS) despite assuring him that it would not.

Agency response: The DVLA initially sent a standard enforcement letter telling Mr AB that he was liable for the OCS, and explaining that ART had been correctly levied. At step 2, the Agency retrieved Mr AB's call and established that he had indeed been misadvised that the re-registration could be reversed, and that enforcement would not be applied while things were ironed out. The member of the contact centre to whom Mr AB had spoken had then tried to ring him repeatedly to explain her error but did not get through. The enforcement was cancelled but Mr AB remained liable for VED at the enhanced ART rate.

ICA outcome: The ICA could not agree with Mr AB that the DVLA should repay him the ART for year 1 of the car's registration, as he had re-registered himself despite the information about ART liability being readily available. However, the ICA was very critical of the DVLA's step 1 response. No effort had been made to investigate Mr AB's account of incorrect advice, and no mention was made of the fact that the Agency had checked with the dealership to see if a registration error sufficient to invalidate the registration had occurred (it had not). At step 2, these omissions were corrected but the ICA remained concerned that the full impact of the mistaken advice had not been remedied. He recommended a £150 consolatory payment and partially upheld the complaint.

Taxi subject to additional rate of tax

Complaint: Mr AB is a taxi driver. His vehicle has been converted to take passengers in wheelchairs. He complained that he was subject to the additional rate of tax (ART), arguing that the list price of his unconverted vehicle was below the £40,000 threshold. He also cited examples where in the past other taxi drivers had escaped the ART regime.

Agency response: The DVLA said it had considered the matter in depth and was content that its decision regarding ART was in line with the terms of the legislation. The list price included any modifications such as those made to Mr AB's taxi and he should take up his complaint with the manufacturer.

ICA outcome: The ICA said he agreed with the DVLA's consideration of the matter, citing the legislation in question. He said that Mr AB might wish to pursue the matter through the political process as the VED regime was a matter for the Chancellor of the Exchequer. The ICA suggested that the examples cited by Mr AB had pre-dated

Continuing payment of direct debits after vehicle is disposed of

Complaint: Ms AB complained that the DVLA continued to take direct debits for road tax for a vehicle she had disposed of. In total, she sought a refund of around £300.

Agency response: The DVLA said it had no record of a disposal notice at the time Ms AB said she sold her car. It said the law meant that no refunds were due.

ICA outcome: The ICA said this was a familiar issue. However, the DVLA's interpretation of the law meant that an 'event' did not occur until notification of disposal was received. The ICA said he could not say why the paper notification had not arrived: a mistake by Ms AB and the dealership to whom she had sold the vehicle, a mistake by the DVLA, or a mistake by the Royal Mail. However, while sympathising with Ms AB, there had been no maladministration and he could not uphold the complaint.

Another claim for tax refund

Complaint: Mr AB complained that he had paid vehicle tax for a vehicle he had already sold. He asked for a refund.

Agency response: The DVLA explained that it dated VED refunds from the time it was informed of a vehicle's disposal not from the time the notification was made (or was attempted to be made). In this case, it seems Mr AB may have tried to notify disposal on the last day of month 1 using the electronic portal after 7.00pm when it is not available. In any event, disposal was not notified (in fact, by the new keeper, not Mr AB) until day 2 of month 2. The DVLA cited the law on vehicle tax rebates.

ICA outcome: The ICA said he sympathised with Mr AB as no one would wish to pay tax for a vehicle they no longer owned. Mr AB was also right to say that in month 2 the DVLA (in effect, HM Government) will have received two instalments of vehicle tax (one from the new keeper and one from Mr AB). However, the ICA could not challenge the DVLA's interpretation of the law on vehicle tax rebates and its long-established policy. For that reason, he could not assist Mr AB directly.

Taxation class of ex-military vehicle #1

Complaint: Mr AB purchased an ex-Ministry of Defence end-of-lease car, originally registered with the MoD in 2018. After buying the vehicle, Mr AB registered it with the DVLA, who assigned it to taxation class PLG (private/light goods) rather than diesel. This meant it was liable for higher vehicle excise duty than would normally apply to such a vehicle first registered in 2018. Mr AB complained to the DVLA, asking that they amend the taxation class to diesel.

Agency response: The DVLA explained that vehicles registered since 1 April 2020 had their tax based on their World Harmonised Light Vehicle Test Procedure (WLTP) CO2 emissions. The vehicle in question had first been registered with DVLA with effect from 1 May 2024 and therefore fell under this category. When registered with MoD in 2018, different emissions testing procedures had applied.

ICA outcome: Mr AB's complaint was not upheld. The ICA noted that the effect of the Vehicle Excise and Registration Act 1994 (as amended) was clear, although it was acknowledged that the legislation had probably not been drafted with cases like Mr AB's in mind. The ICA recommended that DVLA refer complainants to the specific passage of legislation that covered their case (rather than just to the relevant Act), so that complainants could have a better understanding of the argument.

Taxation class of ex-military vehicle #2

Complaint: Mr AB argued that the DVLA had incorrectly refused to classify his vehicle as a diesel car and had maintained that it was properly in the PLG class and thus not eligible for zero-rate road tax. (Mr AB's car was manufactured in 2015 but was initially kept by the Ministry of Defence. It was first registered by DVLA in 2021.)

Agency response: The DVLA explained how they were required to work from the date of first registration and that, for a 2021-registered vehicle to be classed as a diesel car, it would need to meet test standards which were not in use when Mr AB's car was constructed.

ICA outcome: The ICA was satisfied that DVLA had applied the relevant law and policy correctly. The DVLA had also dealt with Mr AB's correspondence and complaint appropriately and without undue delay. It might well be that the emission rate of Mr AB's car was in the range for diesel cars, but it was not possible for it now to be classified in that way because of its particular history.

Taxation class of ex-military vehicle #3

Complaint: Mr AB was the keeper of a former military vehicle. He complained that he was in the wrong tax bracket for vehicle tax.

Agency response: The DVLA acknowledged that a mistake had been made when first registering Mr AB's vehicle outside the military system. But it said the law did not allow for the taxation class now to be altered.

ICA outcome: The ICA asked the DVLA to review the legal position. The Agency did so. It said that the decisions taken hitherto were in line with policy. However, its new interpretation of the law was that Mr AB's vehicle might be eligible for the Grad VED class if he could provide evidence of the CO₂ emissions. The ICA was content he could achieve no more. It would now be for Mr AB to have his vehicle tested and to liaise further with the DVLA.

Customer claims he was advised contrary to the standard script used by DVLA advisers

Complaint: Mr AB complained that he had paid vehicle tax when he was in a position to have SORNed. He said that the advice he had been given by the DVLA contact centre was incorrect. He therefore sought a refund of the tax he had 'overpaid'.

Agency response: The DVLA said that the call in question had been deleted under its 90-day retention policy. However, the standard script for advisers was that customers should SORN if their vehicle was off-road and not being used. Citing the legislation on vehicle tax rebates, it said that no refund was due.

ICA outcome: The ICA said he could not adjudicate upon what Mr AB had been told as the recording was not available. (He pointed out that the 90-day rule had been endorsed by the Information Commissioner's Office.) But the ICA noted that the standard script for contact centre advisers was not the advice that Mr AB said he had received. The ICA also noted that the vehicle record had not been accessed at the time Mr AB said he had made his call which suggested that it had been at an earlier juncture. Given the uncertainties, and the legislation and DVLA policy on tax refunds, the ICA could not uphold the complaint or make any recommendations.

Rogue error message affects online system

Complaint: Mr AB complained that when he tried to tax his vehicle online he received an error message referring to maintenance of the site. He said he was unsure whether his transaction had gone through successfully. He emailed the DVLA chief executive that night and said the online record only showed tax running to the following day. He also criticised the terms of the responses he subsequently received to his complaint from the DVLA.

Agency response: The DVLA said that there had been no planned maintenance on the day in question but a temporary outage that had resolved itself. The Agency confirmed that Mr AB's transaction had been successful.

ICA outcome: The ICA said he could not be certain whether Mr AB had checked his tax via the online system the following day, but he assumed he would have done so. This would have shown that tax had been paid for the following 12 months. It was obviously unfortunate and inconvenient that Mr AB had also received an error message, but the ICA observed that it was a feature of many online systems in his experience - banking, ticketing etc - that transactions had sometimes to be repeated because of a computer glitch. The ICA was content that the error message did not imply 'planned maintenance' as Mr AB had suggested, and was in use to cover a variety of scenarios. He was also content that the DVLA had properly apologised and explained what had happened. Although there had been short delays at both stages 1 and 2 of the complaints procedure, the ICA did not feel

that there was any remaining injustice to remedy. Accordingly, he did not uphold the complaint or make any recommendations.

B. Enforcement

Mistaken clamping of vehicle

Complaint: Mr AB complained that his vehicle had been incorrectly removed from a car park, where he had permission to leave it while SORNed. He also complained that he had not been adequately compensated for the damage to his vehicle or items missing from it.

Agency response: The DVLA accepted that the vehicle had been removed when it should not have been and offered to pay for damage it accepted had resulted from the removal of the vehicle. It did not accept the extent of the damage claimed by Mr AB or that items were missing.

ICA outcome: The ICA found no evidence to suggest that the DVLA should compensate Mr AB any further than it had already done. However, the ICA exceptionally asked the DVLA to issue a consolatory payment to Mr AB in recognition of the inconvenience and frustration he had experienced because his car had been removed when it should not have been.

Suspension of enforcement in Northern Ireland

Complaint: Mr AB lived in Northern Ireland. In 2022, the Driver & Vehicle Agency Northern Ireland (DVA) was struggling to provide MOT appointments given pandemic pressures. As a result, the Police Service of Northern Ireland (PSNI) told drivers that police enforcements against vehicles on the public highway not covered by MOT would be suspended as long as the vehicle was roadworthy, had an MOT test date, and was not subject to SORN. The PSNI made it clear that taxation offences were a separate matter and that the DVLA was the lead agency. Mr AB was one of many motorists who could not get an MOT before the expiry of tax. He continued using his vehicle on the public highway and was subject to a late licensing penalty which he settled. He again continued to use the vehicle and two months later it was clamped. He managed to get his MOT date brought forward and to tax the car, but complained that DVLA had refused to reimburse the cost of having the car released from the pound. He insisted that the DVLA was operating outside of the provisions outlined by the PSNI.

Agency response: The DVLA explained that Mr AB should not have been keeping/using his vehicle without tax in any circumstance, and that the PSNI advice had not included permission for this to happen. The legislation was clear that an untaxed vehicle on the public highway subject to SORN should be enforced against. The DVLA did not drop the enforcement.

ICA outcome: The ICA found that the provisions set out by the PSNI had been misunderstood by Mr AB. Enforcement had been carried out in line with policy, and this was not in contradiction of any other advice from partner agencies. While sympathetic to the position Mr AB had found himself in as a law-abiding vehicle keeper, the ICA was unable to recommend that his costs be refunded. He did not uphold the complaint.

Imported vehicle that was not roadworthy

Complaint: Mr AB bought a vehicle as a restoration project. The vehicle had been previously registered in the UK, exported, and then brought back into the country without the import paperwork being completed. He attached the previous UK plates and applied to register it using the V62 form. The DVLA rejected the transaction because an export marker was still linked to the vehicle. It pointed Mr AB to the V55/5 first registration documentation. Thinking that he needed an MOT given what the DVLA had told him, Mr AB tried to put the vehicle through an MOT, but it failed on numerous points. Nothing then happened for well over seven years at which point the vehicle was clamped as it was on a publicly accessible piece of private land. Mr AB paid the £260 unclamp fee and moved the vehicle to a private compound. He complained that the DVLA had failed to explain what his options had been when it originally refused to register the vehicle. His understanding at the time had been that it was impossible to SORN. Had he been correctly advised that an MOT was not necessary, then he would have put a SORN in place.

Agency response: The DVLA and its national wheelclamping contractor, NSL Ltd, told Mr AB that, had he left the overseas plates on, it was likely that the vehicle would not have been enforced against given the export marker. In its communications with Mr AB, the DVLA tended to recite standard lines about the need to register the vehicle using a V62 and to notify SORN (Mr AB had tried this and been declined). Other rabbit holes in the complaints correspondence included the status of the land on which the vehicle had been clamped. The DVLA reflected very late in the day that Mr AB had not been fully advised at the point of his first attempt at registering the vehicle. While the V55/5 advice had been correct, the Agency had not explained that he could have registered and SORNeD the vehicle without an MOT. The DVLA provided a consolatory payment of £50 and updated the guidance on gov.uk.

ICA outcome: The ICA was disappointed that, until late in the day, the DVLA relied on standard lines, in effect telling Mr AB that he should have registered from the outset using the standard paperwork, when he had tried this and been declined. Mr AB had been convinced that he needed an MOT and argued that the late provision of this advice should mean that the cost of the enforcement was reimbursed. The ICA had reservations about this. Mr AB did not take the steps, suggested over seven years before the enforcement, to progress the registration, after his vehicle failed its MOT. The ICA was of the view that Mr AB should have gone back to the DVLA. Had he followed the advice to complete the V55/5, the ICA thought it more likely than not that the DVLA would have understood the full circumstances and advised accordingly (Mr AB dropped his communications with the

DVLA for over seven years after the initial knockback). The ICA noted that the thrust of the motoring legislation was to keep unroadworthy vehicles off publicly accessible roads. Much of Mr AB's difficulties had stemmed from the delay in ensuring the vehicle was roadworthy. The ICA welcomed the late concession by the DVLA that its advice could have been clearer, and the changes it had made on gov.uk to provide guidance on SORning vehicles that were unroadworthy imports. He did not uphold the complaint.

Minor error leads to major inconvenience for owner of classic car

Complaint: Mr AB inadvertently notified an incorrect date of acquisition for his classic car that contradicted the existing record. The DVLA adjusted the date in order to issue him with the V5C. This created a glitch in the record that meant that Mr AB's SORN was not logged against the register. Enforcement action against Mr AB was triggered, and the matter was progressed to court. Mr AB established with the DVLA that he had notified SORN and was told in writing, and on the phone, that he need not attend court. He did so and then sought compensation.

Agency response: The DVLA had cancelled the enforcement when Mr AB showed that he had notified SORN. However, the court summons arrived after the letter stating that the matter would not be progressed. Mr AB had been told that he should ignore the summons, but he had insisted on attending, thereby running up significant costs as his work was based abroad. Upon his appearance at the court, he learned that the case had been cancelled, as foreshadowed by the DVLA. The Agency made a £100 consolatory payment to Mr AB but refused further compensation.

ICA outcome: The ICA concluded that Mr AB's experience met the DfT guidance definition of gross inconvenience. However, he felt that Mr AB had been given fair notice that he did not need to attend court. He was not, therefore, sympathetic to the compensation claim. The ICA acknowledged the significant impact of court correspondence on somebody who is not familiar with the process. He wondered whether Mr AB had considered contacting the court directly to establish the status of the case after the DVLA had told him that it had stood down the enforcement. He considered that a consolatory payment that balanced Mr AB's opportunities to obviate the enforcement, and to mitigate its impact, as well as the DVLA's index error, was warranted. This should be commensurate with the Ombudsman's level 2, and the ICA awarded at 50 per cent to reflect equal culpability on both sides. The ICA therefore recommended a consolatory payment of £275 and partially upheld the complaint.

SORNed vehicle on private land

Complaint: Mr AB complained about an enforcement case regarding his broken-down vehicle that had been SORNed for three years and left next to his garage. NSL had spotted the vehicle and deemed it to be on a public road. DVLA issued enforcement action. Mr AB disputed that the vehicle was on a public road and sent Land Registry documents. He

complained that it had taken far too long for the DVLA and its enforcement partner to accept that the land was private.

Agency response: The DVLA in its initial automated responses did not refer to Mr AB's evidence. He did not, therefore, know that it had been received, nor understand why (if received) it had been deemed insufficient. The DVLA then entered the case for court without checking whether the road was in fact public or private. After Mr AB had provided material from the Land Registry that the Agency deemed sufficient, the DVLA finally withdrew the court case, admitted error and offered £100 as a consolatory payment.

ICA outcome: The ICA partially upheld Mr AB's complaint. The DVLA had stated that the onus was on Mr AB to provide mitigation to the offence. The ICA said that in fact Mr AB was not mitigating an admitted or proven offence, but rather defending the case against him that he had acted unlawfully. The ICA judged that the onus was on the DVLA to prove that the land was public highway rather than to presume culpability on the part of the customer and put them to proof. The ICA increased the consolatory payment accordingly to £400 and recommended that the DVLA look at ways to improve communication between the complaints and enforcement functions.

Dispute over the status of land where an enforcement took place

Complaint: Mr AB was unhappy with the lifting, impoundment and ultimate sale of his van, for which a SORN was in place. He contended that the land from which the vehicle had been taken was private land and provided leasehold documents to confirm the same. He was also dissatisfied with the communications from DVLA and NSL regarding the process to follow once a vehicle was impounded, and the lack of transparency about the associated costs.

Agency response: The DVLA confirmed that the correct process for impounding Mr AB's vehicle had been followed and provided information from NSL that confirmed the local council's view that the land in question was publicly maintained. It had sent all correspondence to Mr AB on time and could not explain why it had not been received.

ICA outcome: The ICA was unable to make a judgement on the relative merits of different claims to land ownership. Both parties provided evidence to support their position on who owned the land. The ICA determined that NSL had followed the correct process in confirming the local authority's view prior to effecting the sale of the vehicle. The ICA found communication with Mr AB to have been timely, notwithstanding that an initial letter appeared to have gone astray in the post. She did not uphold the complaint.

Escalating storage fees after vehicle is clamped

Complaint: Mr AB had notified SORN on his car while trying to sell it. When the sale fell through, he kept the vehicle on the road without taxing it. Two months later it was spotted by the DVLA's clamping contractor and clamped and impounded. Mr AB rang the DVLA shortly after and was told it would cost £100 to recover the car from the pound. He decided to leave it there over the weekend only to discover that the fee had doubled to £200 and there were additional storage costs. He did not have enough money at this stage to recover the car and, by the time he succeeded in doing so, the storage costs had gone up even more. He did not contest the basis of the enforcement but pressed the DVLA to make good the additional money he had needed to pay in storage due to what he said was the false advice at the outset.

Agency response: By the time the complaint was on the desk of the DVLA's complaints team, there were only a few weeks to go before the audio recording with Mr AB's call was deleted under its retention policy. Unfortunately, allocation of the case occurred too late for the audio to be retrieved. The precise nature of what had been said to Mr AB, could therefore never be known for sure. The DVLA had some sympathy for Mr AB and waived the £127 out of court settlement. However, it saw no case to refund him his pound fees, comfortably exceeding £300.

ICA outcome: The ICA was very sympathetic to Mr AB's predicament. The advice that the recovery fee was £100 had been accurate had recovery occurred within 24 hours of the car going into the pound. After that, it doubled. Clearly wires had been crossed between Mr AB and the DVLA. The ICA was surprised by Mr AB's statement that he had put the vehicle on SORN while trying to sell it. Selling a vehicle will normally involve driving it on the public highway so this made no sense. The ICA could not understand why Mr AB thought it was a good idea to leave the car in the pound for the weekend either. If he had left it in a supermarket car park, he would have been handsomely charged for the pleasure, so why was an enforcement pound any different? The ICA was also surprised that Mr AB had not included this element of his complaint in the first instance when he contacted the DVLA after collecting the car. It was many weeks later that he raised it, narrowing the window for retrieval of the phone call. On the other hand, the ICA was unhappy with the missed opportunity to retrieve the call audio. He referred to the Ombudsman's UK Central Government Complaints Standards. The Standards say that a good investigation starts with gathering the evidence that will help you reach a conclusion on whether something went wrong or not. Clearly this had not happened and for this the ICA partially upheld the complaint and recommended that the DVLA make Mr AB a consolatory payment of £50.

Chronic mishandling of paperwork for two vehicles that were exported

Complaint: Mr and Mrs AB moved abroad taking their two cars with them. They did not notify the DVLA of export by completing the blue V5C/4 slips on the logbooks and posting them to the Agency. They assumed that the new jurisdiction would inform the old (the

DVLA) that the cars had been exported. Of course this did not happen, and months later enforcement correspondence was escalated to their former address, followed by debt collection efforts. Eventually these were forwarded to the Mr and Mrs AB at their new home abroad. They provided a suite of documents for each car and similar letters, under the same cover, and sent them to the DVLA to explain that the cars had been exported many months previously. Mr and Mrs AB sought compensation.

Agency response: After confusing and uncoordinated responses that addressed only one of the two cars, the DVLA actioned Mr and Mrs AB's request for ICA review. Very late in the day, prior errors were recognised and a consolatory payment of £150 was offered. Unfortunately, further gremlins meant that this was not dispatched.

ICA outcome: The ICA established the problem with the consolatory payment and the DVLA sorted it out. The ICA welcomed the DVLA's reflection that it had failed to untangle the different strands of the complaint through repeated complaint stages. The ICA recommended that a different complaints team member should deal with each of its two complaints steps. The DVLA accepted this, noting that its new procedure meant that step 1 would usually occur outside of the complaints team. The DVLA insisted, and the ICA agreed, that the same caseworkers should respond to queries arising from a thread of correspondence. The important principle was that further queries and challenges should not automatically trigger escalation of stages when the same caseworker was engaged. The ICA had major reservations about Mr and Mrs AB's claim for public cash. The ICA was not at all convinced by Mr AB's explanation as to why he did not follow the advice printed onto the logbooks to notify the DVLA of export. It was axiomatic, from the ICA's perspective, for the jurisdiction from which the cars were being exported to be informed by the keeper of that export. Certainly, Mr and Mrs AB's troubles had been compounded by DVLA complaint handling, but had they followed the printed instructions then none of the subsequent difficulties would have occurred. On balance, the ICA regarded £150 for poor service as appropriate, along with the DVLA's apologies and commitment to prevent any recurrence. He did not therefore uphold the complaint.

Claim that clamping staff had gone home early

Complaint: Mr AB complained that NSL had clamped his vehicle but when he phoned, he was told that staff had gone home early - meaning he could not pay the release fee. He said he phoned NSL again and was given a verbal deadline of the following Friday to pay the release fee and tax the vehicle before the vehicle would be impounded. Mr AB taxed the vehicle on Wednesday but did not pay the release fee. The vehicle was then impounded on Thursday, and subsequently disposed of. Mr AB had phoned DVLA about the issue at one point and was told incorrectly that NSL should not have impounded his vehicle as he had taxed it. Mr AB armed with this information contacted NSL and demanded the return of the vehicle. Mr AB also complained that he had personal property in the vehicle that he was not given the opportunity to remove before the vehicle was disposed of.

Agency response: The DVLA reported that NSL had denied that Mr AB had been told that staff had gone home but, in any case, this had not affected Mr AB's ability to pay the release fee and liberate his vehicle. NSL's records showed that Mr AB had been told on the Monday morning that his vehicle would not be lifted for a day or two and it was in fact at least 72 hours before the vehicle was impounded. In fact, legally the vehicle could have been lifted within 24 hours of it being clamped; Mr AB had been given at least 95 hours. The DVLA said Mr AB had had ample opportunity to remove any personal property from the vehicle before or after it was impounded. However, the Agency accepted that Mr AB had been given wrong information and had offered a small sum (£50) in recognition of this poor service.

ICA outcome: The ICA considered NSL had acted correctly when advising Mr AB and, whilst the DVLA had provided Mr AB with incorrect information, this did not fundamentally change the outcome. The Agency had apologised and provided what the ICA considered sufficient redress. The complaint was not upheld.

Response to complaints of untaxed vehicles on the road

Complaint: Mr AB complained that the DVLA and its contractor NSL had not responded to his reports of an untaxed vehicle on the road. He accused the police, the local council and the DVLA of all sloping shoulders. He pointed out the costs and risk to law abiding drivers from vehicles that were untaxed. He also said that previous reports he had submitted had been ignored.

Agency response: The DVLA said that it did not operate a call-out service to reports of untaxed vehicles. Its contractor was required to visit each postcode in the country on a twice-yearly basis.⁶ The Agency also said that forms of enforcement were not always visible to the public and that it took its responsibilities very seriously. The local council had chosen not to exercise powers akin to those of the DVLA and NSL.

ICA outcome: The ICA found that the vehicle in question was now taxed and MoT'd - although whether this was coincidence or the result of enforcement action was not something he had enquired into as the results could not be shared with Mr AB for data protection reasons. The DVLA's policy of not operating a call-out system was not for the ICA to adjudicate upon, but he did not think it was maladministrative. The alternative would be extremely expensive. However, considering Mr AB's concerns about the online reporting tool and use of webchat, he recommended that a copy of his report be shared with the Director of Operations for information.

⁶ The terms of the NSL contract were shared in another ICA review. They are to visit each postcode area twice a year and each postcode district once a year. (Postcode areas are those with the same two letters – e.g. BT or SA; postcode districts are those with the same two letters and number – e.g. SA1 or BT30. There are 121 postcode areas in Gt Britain and Northern Ireland and some 2,979 postcode districts). However, visiting a postcode district does not guarantee that a specific road may be visited.

Enforcement against vehicles bought at auction

Complaint: Mr AB bought several cars at auction without V5Cs with the intention of setting up as a vehicle dealer. Two of the V62 applications he then made triggered DVLA fraud checks as the vehicles were typical targets for crime. Mr AB had one of them in a garage and could not provide all of the requisite pictures. Delays set in (the DVLA told Mr AB that manual checks could take ten weeks). Eventually, the DVLA launched enforcements against three of the vehicles for being untaxed. Mr AB complained of massive delays and poor communications from the Agency. He also disclosed very severe health problems.

Agency response: The DVLA cancelled the enforcement where the vehicle had been in the care of the garage. It collected the other two fines from Mr AB as the offences had been corrected identified and he had had ample opportunities to declare SORN. The Agency explained the basis of the enforcements and apologised for delays in communications. At ICA referral (informal stage 3), it offered Mr AB a consolatory payment of £120 in recognition of the delays in handling his subject access request.

ICA outcome: The ICA was sympathetic to Mr AB's predicament but also acknowledged that the DVLA justifiably investigated registration applications for vehicles potentially targeted for crime. This had created delay (that Mr AB had been put on notice about from the outset). Meanwhile, Mr AB had not addressed the need to ensure continuous registration. Some £315 of the total £585 in fines imposed on Mr AB had been cancelled – and the ICA judged this was a reasonable concession in the circumstances. As Mr AB could have provided the V890 paperwork with the V62s and avoided the enforcements, the ICA did not uphold the complaint.

Enforcement of vehicle intended for scrap and data protection breach

Complaint: Mr AB bought a scrap car for parts, and left it next to some garages on land near his home that he believed was private. His understanding was that, as the car was scrap, and was on private land, it could not be enforced against. He complained when the DVLA's enforcement partner NSL clamped the vehicle. He accused NSL of misrepresenting the validity of the enforcement given the location, and of extorting the unclamp fee and surety from him (£260) under false pretences. The correspondence rumbled on, centring on Mr AB's interpretation of the legislation. The essence of it was that NSL could not, in Mr AB's view, enforce in the curtilage of, or vicinity of, a building consisting entirely of two or more dwellings, where the land is normally enjoyed only by the occupiers. Many months later, Mr AB complained after the DVLA erroneously disclosed his data to a third party who contacted him via social media. He said this had been devastating.

Agency response: The DVLA and its enforcement partner emphasised that the off-road private land was fair game for enforcement under the amended legislation. Although the

vehicle was scrap in Mr AB's eyes, it had not been notified as scrap and therefore existed as a taxable entity, subject to continuous registration. Mr AB was doubly in breach because he had not notified SORN. The DVLA wrongly computed the out of court settlement and decided to quash this limb of enforcement. After several weeks of petitioning by Mr AB, the DVLA eventually accepted that it had disclosed his data to a third party. It apologised profusely and initially offered a consolatory payment of £250.

ICA outcome: The ICA, who was not impressed by the lengths that Mr AB had had to go to convince the DVLA of the data breach, obtained further information from Mr AB about the impact. He had been contacted by another DVLA complainant who was aware of the health disclosure Mr AB had made in his complaint. This had been very distressing and unsettling. The ICA asked the DVLA to reconsider the position on referral to the Information Commissioner's Office (ICO) and the level of consolatory payment. It did so, but remained of the view that ICO referral was not indicated given the circumstances (however, Mr AB said he would undertake this himself). The Agency increased the consolatory offer to £500. The ICA was content with this. The ICA could not uphold the enforcement complaint, judging that Mr AB's legal challenges had been fully addressed, and noting that the OCS (more than £500 at the correct amount) had been cancelled. He welcomed the DVLA's increase in consolatory payment. He did not uphold the complaint of unremedied injustice.

Enforcement against vehicle customer had sold to a dealer

Complaint: Ms AB complained that she had been clamped and enforced against for a vehicle she had sold to a dealership months before. She said that if there had been a failure to inform the DVLA it had been on the part of dealership, and she should not have been penalised.

Agency response: The DVLA said that Ms AB had remained the registered keeper, and the LLP had been correctly imposed under the law on Continuous Registration.

ICA outcome: The ICA said that the law on Continuous Registration was in unforgiving terms and the DVLA's enforcement likewise. There was no doubt that Ms AB was a law-abiding citizen with no intention of breaking the law or avoiding vehicle tax. But (like many customers) she had placed her faith in a dealership, and this was at her own risk. The ICA also noted that Ms AB had ignored a reminder letter (SN1) sent to her at which point she could have alerted the DVLA that the vehicle concerned had been sold. Accordingly, he did not uphold the complaint or make any recommendations.

Other driver cases

A. Foreign licence exchange

Five-year window to exchange licence

Complaint: Miss AB is a South African national who had exchanged her licence for a GB one 20 years before complaining. In the meantime, she had returned to South Africa for the best part of a year and passed the motorcycle test. Two years after returning to GB, she applied to update her driving licence with a new address, but this did not include a motorcycle entitlement. The DVLA was unaware that Ms AB had been resident again in South Africa. Three years after her return, she chased up the motorcycle entitlement. The DVLA misunderstood the request and asked for proof from the issuing authority of a motorcycle entitlement. It did not hear back from Ms AB until six years after her return to Britain at which point the five-year exchange window (beginning from the resumption of residency in GB) was closed meaning that motorcycle entitlement could not be added.

Agency response: The DVLA investigated Miss AB's account of her movements and entitlements and established that the Agency had not been informed that she had left the GB jurisdiction in the period that she obtained motorcycle entitlement in South Africa. Had this happened, then her South African licence could have been exchanged for a GB one on her return. However, she had not provided the DVLA with proof of the South African entitlement until after the five-year exchange window had closed. The DVLA apologised for not properly explaining the position when Miss AB had first made contact.

ICA outcome: The ICA reproduced the DVLA's interpretation of the legal provisions requiring licence exchange within five years of the assumption of residency. He accepted that this was a policy position underpinned by the Agency's interpretation of the law. While it was unfortunate that the DVLA had not been clear about the requirements that applied in Miss AB's case, the ICA considered that she had been given ample time to demonstrate the motorcycle entitlement. He was unhappy that the requirements had not been fully explained at an earlier opportunity, but he did not regard it as the root cause of Ms AB's predicament. He recommended that the DVLA make a consolatory payment of £100 and partially upheld the complaint.

Failure to transfer large vehicle entitlements

Complaint: Years earlier, the DVLA had made two mistakes while converting Ms AB's German driving licence into a GB licence. First, it had failed to add her motorcycle entitlement but three years later she noticed this and, after petitioning the Agency at length, it was restored. Secondly, the opportunity to transfer a C1/C1E entitlement was not offered to Ms AB. She did not notice this omission until some six years after the opportunity to reflect these vocational entitlements without completing a D4 medical had

passed. Ms AB insisted that the DVLA should fund the cost of the D4 medical as it had been an Agency glitch that had necessitated it in the first place. For its part, the DVLA insisted that, as Ms AB was over 45, she would need to submit a D4 medical with a vocational application for C1/C1E. Ms AB returned to Germany where all original entitlements were effortlessly reflected on her licence. She contrasted her experience there with the confusing dealings she had had with the DVLA over the years. A D4 medical cost at least £125. Ms AB could not accept that the DVLA should regard this as her expense.

Agency response: The correspondence was on and off over several years. The DVLA insisted that the opportunity to obtain C1/C1 E without the D4 medical had ended when Ms AB turned 45. It offered a consolatory payment of £100 and apologies for delays and errors. This was increased to £200 before ICA referral.

ICA outcome: The ICA was not happy that it had taken considerable lobbying in 2007 to get the motorcycle entitlement added, and that a clear opportunity to identify the omission of C1/C1E had been missed at that stage. He was pleased that the DVLA's policy experts liaised with their counterparts in the parent department (the Department of Transport) and in the German driving jurisdiction to clarify the legal position. The advice obtained from these high-level consultations confirmed the position provided to Ms AB. This was that from the age of 45 she would need to provide five-yearly D4 medical reports (until the age of 65, at which point they would be an annual requirement). The ICA concluded that the impact on Ms AB was such that level 3 injustice was engaged, and he recommended a total consolatory payment of £500. He partially upheld the complaint.

Commendable efforts from DVLA staff to corroborate a Canadian manual pass

Complaint: Mr AB is a Canadian resident in the UK. He knew that there were difficulties corroborating passing a driving test in Canada in a vehicle with manual transmission (the Canadians do not distinguish between manual and automatic entitlement). He asked the DVLA what it would need if he passed the test, and the Agency stated that confirmation from the relevant jurisdiction that he had passed in a manual would suffice. On the day of the test in Canada, Mr AB asked the examiner to confirm in writing that he had passed in a manual transmission vehicle, which the examiner did. The letter was then validated with the state stamp. This was also reflected in the electronic driving test report. However, when Mr AB put these before the DVLA, the Agency did not regard them as sufficient. It said it needed confirmation from the state government as opposed to the private sector registry conducting driving tests in the relevant area.

Agency response: On the basis of policy advice, the DVLA's position was that definitive confirmation from the state jurisdiction was needed. In other words, confirmation from the registry alone was not enough. Unfortunately, the state jurisdiction only recorded the pass and could not validate documentation from the registry. The DVLA went round in circles for several months trying to clarify this and could not do so. It told Mr AB that he would have to pass the test in the UK using a manually driven vehicle. Mr AB protested that this

rather invalidated the exchange scheme. He offered to mediate in the DVLA's dealings with the Canadian jurisdiction.

ICA outcome: The ICA established that the registry that Mr AB had attended for his driving test in Canada was contracted to provide tests for the relevant state. With Mr AB's permission, the ICA attempted to contact them but to no avail. The ICA felt that the DVLA should make a balance of probabilities decision on whether Mr AB should be allowed the manual entitlement, bearing in mind his validated evidence, the demonstrable link between the registry and the local jurisdiction, as well as Mr AB's own willingness to be put to proof by the ICA and the DVLA in any dealings with the Canadian authority. Although the DVLA did not feel that it had departed from standard policies, and had handled the case correctly, exceptionally it agreed to apply the balance of probabilities test and issue a manual licence to Mr AB. It also agreed to make him a £200 payment in recognition of shortfalls in its own administration.

Exchange of Australian licence

Complaint: Mr AB complained that the DVLA would not exchange his Australian licence for a GB entitlement, even though the Australian test pass many years previously entitled him to drive manual and automatic vehicles.

Agency response: The DVLA asked Mr AB for evidence that he had passed the practical test in a vehicle with a manual transmission. He was unable to provide it. The Agency also asked the Australian jurisdiction if it had any records to assist. It did not, and therefore the requirement to pass the test in a manual vehicle stood.

ICA outcome: The ICA outlined the DVLA's policy with exchange applications, noting that it reflected the underlying legislation where a differentiation was made between a test pass in an automatic vehicle and a test pass in a manual. Other jurisdictions did not make this distinction. However, the ICA considered that the DVLA was entitled to do so and had communicated its requirements clearly and sympathetically, while also itself trying to assist Mr AB in demonstrating that he had passed in a manual. The ICA could not uphold the complaint.

Exchange of Polish licence

Complaint: Mr AB complained that his Polish C1/D1 entitlements had not been transferred to his GB licence by the DVLA meaning that he could not drive minibuses or 7,500kg vans.

Agency response: The DVLA explained that the legislation (the Second European Directive on Driver Licensing (91/439/EEC)) precluded the transfer of implied entitlements after 1 January 1997. C1 and D1 were vocational entitlements that were not covered by

the standard exchange rules. The Agency explained that it was the date of the application to exchange rather than the date of passing the test that was critical.

ICA outcome: The ICA noted that 91/439/EEC came into force in the UK on 1 January 1997 (minus the theory test) and had been intended to facilitate the free movement of EU citizens and improve road safety. This included harmonising driving licence categories, the licence card itself, and related requirements. The ICA was satisfied that the DVLA had explained the implications of this legislative change on licences exchanged after that date.

Exchange of Spanish licence

Complaint: Mr AB had been based in Spain, returning home for summer and intending to work while seeing family for a few months. He attempted to exchange his Spanish driving licence (itself obtained by exchanging his GB licence a year earlier) back into the GB jurisdiction. Inexplicably, the DVLA marked up the application as no licence being provided although Mr AB was adamant he had provided his Spanish licence. His complaint concerned the five months-plus of his dealings with the DVLA trying to meet its requirements for the issuing of a GB entitlement. In this time, he went back to Spain to obtain a printout of his entitlement and paid for it to be translated. He communicated extensively with both jurisdictions, including through recorded delivery letters. He complained that what came back from the DVLA was repetitive, contradictory and perverse. He was not trying to add new entitlements to the original DVLA entitlement. This should have been a smooth and simple transaction and instead was a nightmare.

Agency response: Successive DVLA responses emphasised that no licence had been found in the original application. Mr AB was told to obtain a letter of entitlement (LoE) from Spain, but the Agency rejected his repeated printouts from the Spanish jurisdiction stating precisely what his entitlement consisted of. Even at the end of step 2, no resolution was in sight, with the DVLA parroting the LoE requirement. However, the Agency offered a £50 consolatory payment. However, when the team preparing cases for the ICA reviewed the matter afresh, they established that the documentation provided by Mr AB early on in the discourse had been sufficient all along. He was promptly issued with a GB licence, and the consolatory offer was increased to £150.

ICA outcome: The ICA agreed with Mr AB that this should not have been a complex transaction, even without the Spanish licence (the fate of which the ICA formed no view about). The DVLA had the original entitlements on its database from before Mr AB's emigration. As Mr AB said, he was not trying to pull a fast one. He had repeatedly provided cast-iron proof from the Spanish jurisdiction of his entitlement, only to be presented with the same stock request for proof from the Spanish jurisdiction of his entitlement. Mr AB stated that he had lost thousands of pounds in potential earnings. However, he did not make a compensation claim or substantiate his losses. The ICA considered that the consolatory payment was insufficient given the inconvenience Mr AB had endured, and recommended it be increased to £500. The ICA was given a robust

assurance by the DVLA that lessons had been learned, and that the complaints team covering step 2 were attending Ombudsman training to improve the quality of complaint investigation and responses. He partially upheld the complaint, while commending the team responsible for preparing cases for the ICAs for finally sorting the situation out using the informal stage 3 process.

Exchange of New Zealand licence

Complaint: Mr AB complained about the difficulties he encountered in initially seeking to exchange his New Zealand driving licence for a GB licence but then changing his plans and asking for the New Zealand licence to be returned to him. By that point, the DVLA had returned his licence to the New Zealand licensing authority. Mr AB was dissatisfied with the service he received from the DVLA and the explanations he has been given.

Agency response: The DVLA accepted that the Agency should have handled Mr AB's complaint more adeptly and offered a conciliatory payment of £100.

ICA outcome: The ICA judged that, in the end, the DVLA had dealt with the complaint well and offered an appropriate payment. The ICA recommended a change to wording to the relevant forms and guidance, which the DVLA agreed to consider.

B. Missing/lost entitlements

Happy outcome for customer in lost entitlements case

Complaint: Mrs AB complained about a missing entitlement on her driving licence. She said she had passed a car test in the 1970s and yet the DVLA showed her only with a moped entitlement. She said she had driven a car for many years but had never once been on a moped.

Agency response: The DVLA had conducted its standard searches of its historic database. It said no trace could be found of a car test pass and said Mrs AB would need to sit a theory and practical driving test.

ICA outcome: The ICA issued a draft report based on the Cross Government Standards principle that, where evidence was lacking, a balance of probabilities approach should be followed. He therefore proposed that Mrs AB be issued with a car licence. The DVLA subsequently agreed to issue a licence in these terms, backdating the entitlement to 1977. On this basis, the ICA felt able to dispense with a final report that would have served no useful purpose.

Less happy outcome for customer

Complaint: Mr AB had passed his driving test in the early 1990s and was convinced that he had dispatched the pass slip to the DVLA by recorded delivery soon afterwards. He drove uneventfully for 30 years on the assumption that he had a full entitlement. He then moved to Northern Ireland, exchanging his licence out of the DVLA's driver licensing jurisdiction and into that of the Driver & Vehicle Agency Northern Ireland. He complained that the DVLA had lost his pass slip and had unreasonably refused to rectify its error by substantiating his car driving entitlement which still showed as provisional.

Agency response: The DVLA repeatedly combed its records, noting that Mr AB had taken over two years to claim a motorcycle test pass before the car test pass. It had received an electronic notification of the pass but not the claim slip from Mr AB. It was open to Mr AB to claim the pass, but he could only do so in the GB jurisdiction. He would therefore have to move back to GB and reactivate his licence by exchanging it back into the DVLA's jurisdiction.

ICA outcome: The ICA was satisfied that all reasonable steps had been taken by the DVLA. It was impossible to establish the fate of the pass slip at this remove in time. Clearly, the opportunity to sort this out soon after the test pass had not been taken. The DVLA could not transact on a record that was not live on its system. It had explained the need to transfer back into the GB jurisdiction. The ICA regretted the negative impact this was having on Mr AB but could not resolve matters through a review of customer service and administration that had revealed good practice by the DVLA.

No entitlement to ride motorcycles

Complaint: Mr AB had been driving motorcycles for more than 30 years. A friend noticed he had no entitlement on his licence and so he wrote to DVLA and asked for it to be restored. Mr AB said he could not understand how a motorcycle entitlement was not reflected on his licence. He said he sent the test pass to the DVLA 30 years ago without keeping a copy and the DVLA had lost it.

Agency response: The DVLA said it had no evidence Mr AB had ever held a motorcycle entitlement and so it could not add one to his licence. Mr AB had no evidence of a test pass and no evidence that any previous licence ever showed a test pass. Every licence he had ever been issued had no motorcycle entitlement. No application ever received showed an application to add a motorcycle pass to his licence.

ICA outcome: Initially, Mr AB's case looked as though it was a missing entitlement case, similar to one reported above. However, while Mr AB had reported sending his test pass certificate to the DVLA in the early 1990s, there was no evidence that he had actually claimed the entitlement. The ICA concluded that in cases where no entitlement could be shown to have been claimed, the DVLA had no discretion to add one. This 'late

entitlement' case was distinct from a 'missing entitlement' case and thus the complaint was not upheld.

Loss of entitlements at age 70

Complaint: Mr AB complained about the loss of his implied C1/D1 entitlements at the age of 70. He contended that the DVLA could only 'revoke' these entitlements on medical grounds and that he was the subject of age discrimination. He also criticised the DVLA in respect of its customer service and how to access the ICA stage.

Agency response: The DVLA had quoted the law relating to licence expiry and entitlements. It had explained how Mr AB could regain C1/D1 entitlements if he so chose.

ICA outcome: The ICA said he was not a lawyer but was content that the DVLA had correctly explained the statutory position. Although there had been minor correspondence flaws, he was also happy that the DVLA had explained how to access an ICA review, and this information was readily available. The ICA did not uphold the complaint.

C. Access to Data

DVLA declines to release keeper data

Complaint: Mr AB applied for keeper details after his property was damaged by an individual he claimed had been driving a specific vehicle, the registration number of which he had made a note of. He argued that it would be reasonable under the legislation for the DVLA to assist him in pursuing a civil case against the individual. If someone else was involved, then he would pursue enquiries as to who they were in his dealings with the keeper.

Agency response: The DVLA held the line that its policy was not to disclose keeper details when a vehicle was not directly involved in an incident but was rather a means of identifying someone involved. It was not a given that the keeper of the vehicle was involved in the damage. The DVLA said that reasonable cause was not defined in the legislation and the balance had to be struck between protecting privacy and making justifiable disclosures. The Agency would comply with a court order and suggested that Mr AB liaise with the police and/or legal advisers.

ICA outcome: The ICA noted that the provision to disclose keeper data under Regulation 27 of The Road Vehicles (Registration and Licensing) Regulations was discretionary, and that the DVLA had consistently applied its policy in response to Mr AB's application. It had explained the basis of its policy clearly and sympathetically. The ICA had no jurisdiction to criticise the DVLA, and did not uphold the complaint.

Mistaken enforcement when number plate is misread

Complaint: Mr AB received a parking charge notice from a private parking company alleging failure to abide by parking conditions outside a restaurant several hundred miles from his home. Mr AB had never been to the restaurant, and it turned out that the private parking company had failed to check the ANPR image of his plate, meaning that it was pursuing the wrong keeper. Mr AB argued that this could only mean that his data had been disclosed outside of the Regulation 27 'reasonable cause' framework. On the back of that, he launched a series of complaints about the DVLA's involvement, and its responses to his complaint. He argued that the DVLA should have established that the evidence supporting the request for his data was watertight before handing it over. He regarded the DVLA as complicit in systematic data breaches by the parking company involved.

Agency response: The DVLA made enquiries of the private parking company and obtained the images that had informed the data request. The data request itself had been made electronically through the KADOE (keeper at date of event) service, because the parking company was signed up to a KADOE contract. The parking company admitted that there had been a failure to check the images properly and confirmed that the enforcement had been cancelled and all of Mr AB's data removed from its systems. The DVLA apologised for the delays in its handling and explained the regime through which it released keeper data. Mr AB's details had been requested incorrectly by the parking company, rather than released incorrectly by the DVLA.

ICA outcome: The ICA explained to Mr AB that the overarching purpose of the data release process was to assist landowners and their agents in resolving disputes in relation to the use of private land. The investigation of potential liability for land use was a legitimate ground for disclosure. The DVLA did not have to have a proven case in order to release the data. The ICA noted that the ICO had not upheld Mr AB's complaint. He accepted the DVLA's case that it was not a regulator of private parking companies and that it had appropriately liaised with the parking company involved. The ICA was satisfied that the matter had been remedied. He did not uphold the complaint.

Customer urges DVLA to enforce KADOE conditions with more rigour

Complaint: Ms AB complained that she continued to be pursued for three unpaid parking charges by a private parking operator even after she had won a court case relating to them. She felt her data rights (and those of other vehicle keepers) had been breached by the operator and that they acted contrary to the KADOE contract through which her data was obtained from the DVLA. Ms AB urged the DVLA to enforce KADOE conditions with more rigour, rather than simply accept the assurances of rogue car park operators.

Agency response: The DVLA explained the basis on which it provides data to parking companies who are members of an Accredited Trade Association and that complaints can be made to the relevant association. The Agency set out the audits and checks it

makes but said it cannot regulate private car parking companies and was therefore unable to intervene in any disputes between the parties. The DVLA then delayed acting on Ms AB's request for escalation – subsequently acknowledging a service lapse and offering Ms AB a payment of £100.

ICA outcome: The ICA was satisfied that the DVLA had eventually dealt with matters appropriately and was unable to uphold the complaint.

Unrealistic expectations of DVLA in data release case

Complaint: Mr AB was issued with a parking charge notice for an alleged parking contravention by a private parking company based on an incorrect reading of the number plate of the target vehicle. The model and plate were wrong. Mr AB was blissfully unaware until he was chased for payment. He characterised the DVLA's sale of his data as unlawful, because 'reasonable cause' for release (as provided in Regulation 27), could not be engaged. He characterised the Agency as complicit in an unjust and deeply unpleasant experience and regime. His expectation was that the DVLA would check that reasonable cause was fully satisfied before releasing data. He was also critical of aspects of the complaint handling.

Agency response: In error, the DVLA's Vehicle Casework Unit replied to the initial complaint, advising Mr AB to revert to the issuer of the charge. It did not answer his complaint. This was rectified by the involvement of the Agency's Information Assurance Group (IAG). The IAG, in collaboration with the complaints team, answered the complaint at step 2. The IAG had reverted to the parking company and obtained information about what had gone wrong, and the steps taken to put it right. These were referred to Mr AB along with an account of how the data release regime (in particular the safeguards) worked.

ICA outcome: At the acknowledgement stage, and in subsequent communications, the ICA told Mr AB in no uncertain terms that his complaint of unlawful data release would not get off the ground. First, the ICA has no authority to determine compliance or breaches with data processing law. But more to the point, the DVLA's ICO-approved data release operation supports 'reasonable cause' as including the investigation of potential keeper liability. Thus, at the point of (in the main, automated electronic) data release, there need be no investigation by the DVLA as data is requested under strict contractual terms and conditions. 'Reasonable cause' is engaged to allow the parking company to investigate potential liability, as it had done here. The ICA noted a few instances where the DVLA had not answered suggestions and points raised by Mr AB. These minor omissions were remedied by further comments from the Agency included in the ICA's final report. The ICA noted recent reports of 41,000 parking charge notices being issued per day in 2024 (a near doubling in five years). The level of checking that Mr AB expected was completely impractical. The DVLA was releasing data for a fee in line with the requirements of the

parent department and successive Governments. The DVLA was properly doing what it was told to do. The ICA did not uphold the complaint.

Another complaint about the release of data to a parking company

Complaint: Ms AB complained that DVLA had passed details of her vehicle's registered keepership to a car parking company. She had parked her car in a hospital car park where charges had been reintroduced after Covid but there was no sign in the car park (or other notification) to this effect. She said the DVLA should have checked this before passing on her data.

Agency response: The DVLA explained that it was considered reasonable to pass the details of registered keepers to private parking companies who were members of an Accredited Trade Association. The Information Commissioner had confirmed that private parking companies had a reasonable cause to request the data.

ICA outcome: Ms AB's complaint was not upheld. The ICA noted that DVLA could not be expected to check parking conditions at every car park every day. Passing registered keepership data to parking companies who were members of Accredited Trade Associations was standard practice and had been found acceptable by the Information Commissioner. If Ms AB thought that the parking company was failing to abide by the trade association's code of practice, she could pursue this with the association.

D. Lost documents

DVLA sends documents to wrong address

Complaint: Mrs AB was unhappy that the DVLA, after requesting documents to support her driving licence renewal, returned those documents to her previous address. Those documents had now been lost. Mrs AB criticised the manner in which the DVLA handled the data breach, and the level of consolatory payment offered (£300).

Agency response: The DVLA accepted that it had provided poor service to Mrs AB and apologised. It considered the level of consolatory payment offered was reflective of the seriousness of the maladministration identified.

ICA outcome: The ICA agreed that the DVLA's service in this instance had fallen below the expected standard. She considered though that the actions taken by the DVLA once the breach was identified to be proportionate and correct. The incident was logged as a data breach internally, but the ICO was not notified due to the discrete nature of the breach (one set of hard copy documents to a single residential address in error). She could find no fault with the risk assessment process. The ICA reviewed the consolatory payment offered to Mrs AB and concluded that it was in line with PSHO guidance. However, she partially upheld this element of the complaint and recommended the award of a further

£30 to cover CIFAS membership (a fraud prevention service) for a period of two years to offer Mrs AB additional reassurance and peace of mind.

Uneconomic proposal for use of tracked mail

Complaint: Mr AB had applied online to renew his driving licence, but it was not delivered and a replacement was issued by the DVLA. He complained that the first issued licence was missing and in the hands of someone else. He argued that licences should be sent tracked, special delivery or signed for, if not by courier. An unknown third-party he suspected was in possession of his details. Mr AB, who had detected attempts at fraudulent activity that may have involved his driving licence, pressed the DVLA for the cost of a protection service (over £100 a year). He noted that there was more information on the driving licence than even the passport, underlining his points about the insecurity of the DVLA's policy of dispatching driving licences second class. He said he would be prepared to pay for special delivery, but this option was not open.

Agency response: The DVLA explained the economic basis of the policy of dispatching licences second class; there was no evidence that this route was less secure. Mr AB's licence had not been returned undelivered. The DVLA said it issued around 10 million licences per year and the overheads (both administrative and in terms of the cost of postage) were prohibitive for the use of tracked mail. Royal Mail ultimately was responsible for safe handling and delivery of post entrusted to it by the DVLA.

ICA outcome: The ICA found that this complaint was addressed to policy rather than customer service and administration. He found the DVLA's responses to Mr AB's challenges to be timely, sympathetic, and accurate. This was an industrial scale operation and Mr AB would need to take up his complaint on a political level, as it was beyond the remit of a complaints review scheme focused on customer service standards. The ICA did not uphold the complaint.

E. Miscellaneous

Limitations of VDL system

Complaint: Mr AB was a truck driver who was disqualified from driving. He immediately appealed and his entitlement was restored pending a Crown Court hearing. However, his entitlement was not reflected on the DVLA's view driving licence portal (VDL). Mr AB complained that this disadvantaged him significantly in job hunting.

Agency response: The DVLA explained that there was a system limitation that meant that a suspended disqualification could not be represented on VDL. Rather than present incorrect information (that Mr AB was disqualified), the Agency had put a block against his licence details being available on VDL. On two occasions it provided Mr AB with a certificate of entitlement. The Agency also offered to speak to any prospective employer

and explain the situation. It said that it was moving VDL onto a new platform and opportunities to improve the service to customers like Mr AB would be taken forward.

ICA outcome: The ICA did not regard system limitations on a 10-year-old platform as representing maladministration or even a failure of customer service. It was not the fault of the DVLA that prospective employers regarded Mr AB's licensing status as problematic. The ICA was pleased with the efforts the DVLA had made to help, in particular its willingness to speak with prospective employers, and its provision of certificates of entitlement. He noted that the platform would be revised in the near future. On the evidence before him, the ICA could not conclude that Mr AB been kept out of work by DVLA failings. He did not uphold the complaint.

Poor service to customer not entitled to ride large motorcycles

Complaint: Mr AB complained about the DVLA's decision to negate his large motorcycle (category A) entitlement on the grounds that he could not show the necessary two years qualification with small bikes.

Agency response: The DVLA had explained that Mr AB did not have the necessary two years qualification as he had been banned from driving during part of this period. In its step 2 letter the DVLA had acknowledged a number of errors including wrongly issuing Mr AB with a car licence to which he was not entitled.

ICA outcome: The ICA said this was a complicated matter - in terms of the law, Mr AB's various disqualifications, and the DVLA's handling (which had been very poor). Although not the subject of the complaint, it also appeared that Mr AB had been misinformed by the DVSA that he could take his large motorcycle test. So far as the decision itself not to reinstate the category A entitlement, the ICA concluded that the DVLA had acted correctly. However, in light of its very poor handling (including delays and incorrect advice) he recommended a consolatory payment of £500 - on the cusp of levels 2 and 3 on the then PHSO scale.

Incorrect record of disqualification

Complaint: Mr AB was the innocent victim of a traffic accident. On checking his licence, the police informed him that he had been disqualified in 2020 and had never reapplied for his licence. It was not in question that the DVLA had wrongly processed a court notification for someone with the same name and birthday onto the wrong record. Mr AB sought compensation for the four weeks he was unable to drive while the records were corrected. He said he had had to use his son (who was employed by his firm in another capacity) as a chauffeur and asked for payment of the son's wages.

Agency response: The DVLA had apologised for its error and made a consolatory payment of £400. It said it had had to consult with the court about changing the record as

it had no authority to do so without the court's consent. The Agency had declined the compensation claim.

ICA outcome: The ICA said it was clear that Mr AB was the entirely innocent victim. And there had been maladministration by the DVLA in 2020 in attaching the wrong details to his record. However, the ICA did not think that four weeks to sort the problem constituted further maladministration - however inconvenient it would have been to Mr AB in running his own business. The ICA was content that Mr AB's experience invoked level 2 on the PHSO scale and was therefore content with the consolatory payment of £400. He did not think that the son's wages constituted material loss to Mr AB 's company (as envisaged by the guidance in *Managing Public Money*) and therefore did not endorse the compensation claim.

Historic licence revocation

Complaint: Mrs AB had been issued with a speeding ticket nearly two decades ago. She had provided her licence to the court and had three points manually written onto it, paid the fine, and assumed the matter was closed. Unbeknownst to her, the DVLA was expecting her to return her paper licence to the Agency so the points could be written on by the DVLA. Mrs AB was adamant that she heard nothing from the DVLA that would suggest her licence would be revoked if she did not return it. Fast forward 18 years, after a minor road traffic accident Mrs AB learned from her insurer that her licence was invalid. She queried it with the DVLA who could not assist on the phone. She therefore began correspondence on webchat and through the complaints procedure. Eventually after six weeks, her entitlement was restored.

Agency response: The DVLA established that the revocation was historic and reiterated that it would have informed Mrs AB around the time of the need to return the licence, and that revocation would have followed when the licence was not returned. The sheer volume of DVLA transactions meant that it could not provide copies of correspondence that was nearly 20 years old, but it confirmed the (correct) address that it held for Mrs AB at the time. From the DVLA's perspective, it had fulfilled its obligations.

ICA outcome: The ICA requested evidence of dispatch of the letters informing Mrs AB of the need to return her licence and then revoking it. The DVLA provided a transaction history that showed the footprints that would have generated the letters automatically. The ICA accepted that several million such letters had been sent in the intervening two decades and the DVLA, quite reasonably, could not retain individual copies. He could not explain why the systems had not resulted in Mrs AB being told to return her licence. The licence had been restored within a month of Mrs AB making contact. The ICA was sure that all concerned would have preferred this to have happened sooner, and he noted Mrs AB's vigorous efforts to pursue matters. After further consideration of additional information from Mrs AB and the DVLA, the ICA found it more likely than not that an error

on the DVLA's part had resulted in the revocation and he recommended that the Agency make a consolatory payment of £250.

Points not removed from licence after conviction is quashed

Complaint: Ms AB succeeded in having a conviction quashed for an offence of failing to give information as to the identity of a driver, after she had made a statutory declaration to the effect that she had never received the original Notice of Intended Prosecution. She complained to the DVLA when it later became apparent that the six points on her licence - added as a result of this offence - had not been removed. This had led to further complications with her insurer and hindered her ability to recover her vehicle after it had been impounded by the police.

Agency response: The DVLA said that the Agency had removed the six points from the licence as soon as it had been informed by the Courts of the cancellation of the conviction. The Agency found that the Courts had originally notified them using the process designed to add endorsements to a licence, not remove them, and for this reason the original notification had failed.

ICA outcome: Ms AB's complaint was not upheld. The ICA noted that it was an error by the Courts, not the DVLA, which was the cause of Ms AB's problems. The ICA recommended that DVLA remind the relevant Court of the agreed procedure for cancelling convictions and penalty points. The ICA also noted that the case emphasised the importance of notifying DVLA in a timely manner of any change of address.

Customer unable to amend address on licence

Complaint: Mr AB complained that he could not amend the address on his licence. He was not willing to transact by post as he did not wish to lose his current licence which he used as ID.

Agency response: The DVLA said the problem was that the name used by Mr AB in his online applications did not match that on his driver record (his middle name was not showing). It had offered written advice to Mr AB regarding the way forward.

ICA outcome: By the time of the ICA review, Mr AB had successfully transacted online. However, the ICA observed that his was a complaint that had not needed to escalate to ICA review if a member of the complaints team had rung Mr AB and walked him through the online application. The ICA deprecated some of Mr AB's language and did not feel that the threshold for a consolatory payment had been met.

Confusion over the proofs of identity required

Complaint: Mr AB applied for his first photo driving licence, to change address and to drop his middle name (which he said he had not used for 25 years). His application was rejected by the DVLA for ID reasons. Mr AB had used his state pension letter as proof of identity but there were issues with his photograph which had been taken against a light-coloured brick wall. The DVLA said it needed to be a cream background. Mr AB was also told he needed proof of his change of name, a birth certificate, deed poll or statutory declaration. He had none of these – Mr AB had simply stopped using his middle name and his pension letter was *sans* middle name. His photo was then lost which Mr AB alleged was a data breach.

Agency response: The DVLA said that by law the Agency needed to verify Mr AB's identity. The DVLA indicated it would use the ID he had sent to issue the driving licence but did not apologise or explain why the application had been rejected. The DVLA asked for a compliant photograph. At this point there was protracted correspondence about the guidance for photos and eventually, as noted, the photo was lost. At step 2, the DVLA apologised offered for its poor service but said a lost photograph did not represent a data breach and no ICO report was needed. A consolatory payment of £50 was offered. In a further response before ICA referral, the DVLA acknowledged that a lost photo would be considered a data breach but there was still no need to report to the ICO. An additional consolatory payment of £150 was offered (and the lost photograph was found and returned).

ICA outcome: The ICA concluded that most issues had been resolved by the DVLA and the consolatory payment of £150 was appropriate. She recommended that the DVLA amend the wording of its DVLA letters to align with information on gov.uk.

Customer delayed in obtaining entitlement to drive large vehicles

Complaint: Mr AB applied to add the provisional CE entitlement (to drive HGVs) to his licence, and to renew the C1E entitlement (to drive vehicles up to 7.5 tons) having held it within his implied entitlements in Malta. He passed the D4 medical. Unfortunately, the DVLA issued him in error with a licence that did not include the provisional CE or substantive C1E. Three weeks later, Mr AB complained that the error was costing him money as he needed to work on the C1E to fund his CE lessons. The mistake had disrupted his schedule and resulted in the withdrawal of an offer to work on the C1E. He claimed for two months' lost earnings minus benefits (approximately £5,000).

Agency response: The DVLA had apologised for the error and issued a correct licence pretty much immediately (this arrived a calendar month after the incorrect licence). It sought more information from Mr AB in support of his claim for two months' wages. Eventually, the Agency wrote directly to his employer asking for confirmation, but received

no reply, even after chasing. In the absence of evidence that the licence error had prevented Mr AB from working, the DVLA confined its remedy to a consolatory sum, £350.

ICA outcome: The ICA noted that Mr AB's account of when the claim period/missed job start date began had varied somewhat, and that the time it had taken him to chase the matter did not support his account of urgency. The ICA commended the DVLA for (with permission from Mr AB) seeking the necessary evidence from the employer. While the ICA was sympathetic to the problems created for Mr AB, he could not recommend compensation when there was no proof of loss flowing from the DVLA's error. He considered the consolatory sum reasonable and therefore did not uphold the complaint of unremedied injustice.

Conflict of evidence between DVLA, HMCTS, and the PHSO

Complaint: Mr AB complained about a period of around a month when his licence wrongly showed 12 penalty points. He had been convicted of using a mobile phone while driving and six points had been (correctly) added to his licence. However, when he appealed against conviction, the six points should have been put aside. This did not happen and a further six points were added after his appeal was unsuccessful. Mr AB said he had lost earnings as a result and claimed a total of £1,000.

Agency response: The DVLA said it had not received the relevant court notification at the time Mr AB lodged his appeal. In contrast, HM Courts and Tribunals Service (HMCTS) said such a notification had been sent (and thus any responsibility for the undoubted error rested with the DVLA). Correspondence from the PHSO seemed to endorse this account. The DVLA had offered a (rather generous) consolatory payment of £150 for correspondence handling flaws.

ICA outcome: The ICA said it was always unsatisfactory when one Government department seemed to be blaming the other. The ICA scheme could only play a limited role in such circumstances as it only covered DfT and its public bodies and had no responsibility or authority over other parts of Government like HMCTS. The ICA's initial view, on the balance of probabilities, was that the mistake had occurred at the DVLA. HMCTS had specifically told the PHSO that the notification was sent at the correct time (and was accepted as such by PHSO), and there was evidence of delays at the DVLA in processing such notifications at the time in question. The documentation from HMCTS on which the DVLA relied also did not show specifically that a notification had not been sent at the correct time (it was not in question that it had been sent later and that the DVLA had then acted upon it promptly). However, subsequent enquiries by the DVLA had shown that the PHSO had received no specific evidence that the notification had been sent when HMCTS said it had, and HMCTS could provide no such evidence to the DVLA. The balance of probabilities was therefore reversed and the ICA said it was not maladministrative in these circumstances for the Agency to decline to pay more than a modest consolatory payment for minor correspondence handling flaws. Mr AB had also evidenced no actual

losses from his employment. However, in light of the continued uncertainties, the ICA recommended that a copy of his report be shared with PHSO and HMCTS.

DVLA'S handling of requests for reasonable adjustments

Complaint: Mr AB complained that the DVLA had failed to make reasonable adjustments for him both in the way he accessed its services and the way it handled his complaint. Mr AB also complained that the DVLA had refused to correspond with him at his business address, refused to use titles in correspondence and sent incorrect documentation to him.

Agency response: The DVLA was satisfied that it had handled Mr AB's correspondence appropriately.

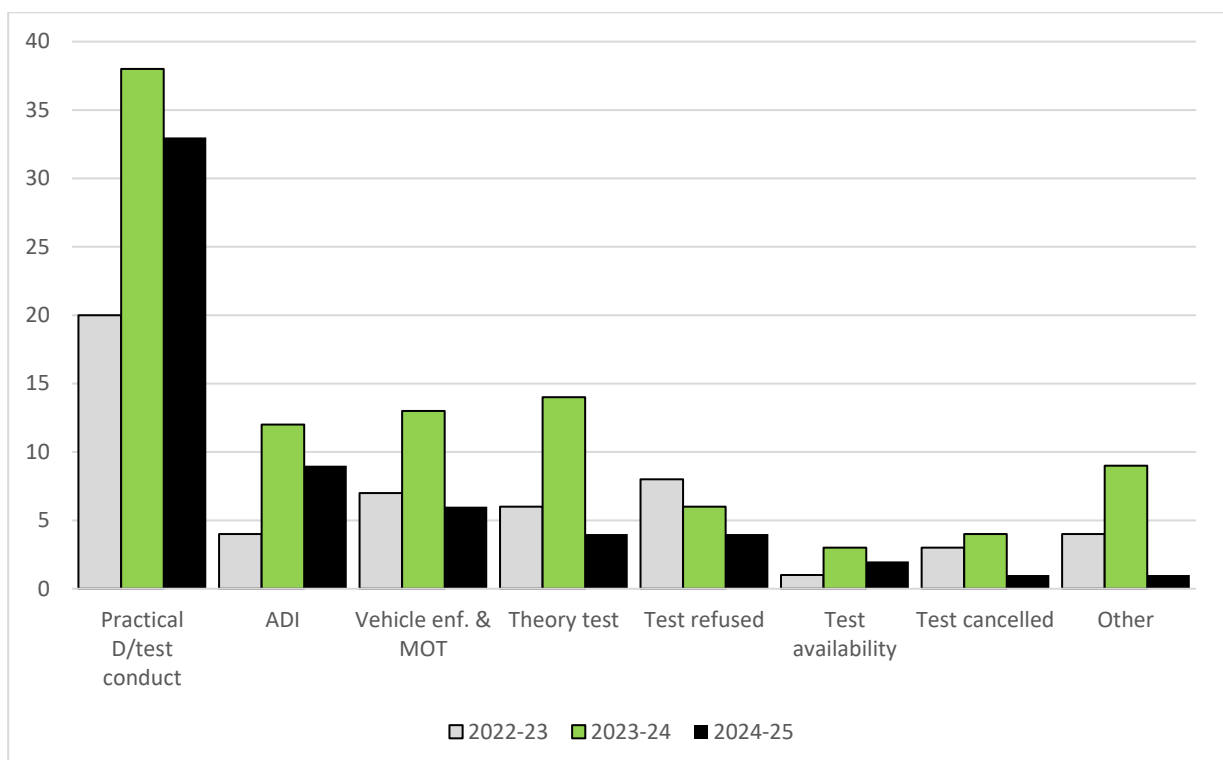
ICA outcome: The ICA identified some handling issues related to Mr AB's case, notably that his complaint had not been taken over the telephone as early as it should have been, and the licence had not been sent to the correct address. The ICA asked the DVLA to apologise for the handling issues and the Agency also issued reminders to staff about taking complaints over the telephone. The ICA did not find evidence to support the other aspects of Mr AB's complaint.

3: DVSA casework

Incoming cases

- 3.1 We received 68 cases from the DVSA in comparison with 99 cases in 2023-24, a welcome reduction of 31 per cent. We completed reviews into 60 DVSA cases.
- 3.2 As always, the largest single percentage of complaints involved driving examiner judgement and conduct. Approved Driving Instructor (ADI) complaints in the main centred on examiner performance in the qualifying or check tests, but in one case concerned compensation and a consolatory payment for the premature closure of a driving school.
- 3.3 In figure 3.1, we chart the 68 incoming cases by main topic area, alongside the previous two years.

Figure 3.1: Incoming DVSA cases, 2022–2025, by main topic⁷



⁷ **Practical d/test conduct:** complaints about the attitude, conduct and/or judgement of DVSA examiners; **ADI:** complaints brought by approved driving instructors or people being trained for the role, often related to the conduct of qualifying tests or the DVSA's regulatory oversight; **Vehicle enf. & MOT:** complaints about the DVSA's vehicle enforcement operation and oversight of the MOT system; **Theory test:** complaints about theory tests; **Test refused:** practical tests refused (e.g. for vehicle condition); **Other:** complaints not meeting any of the above criteria.

Cases we completed

- 3.4 Of the 60 completed DVSA cases in the year, we upheld to some extent 38 per cent of them, a significant improvement over last year's 52 per cent.
- 3.5 The DVSA resolved 9 cases in the year without the need to escalate them to the ICA and in each case service improvements were made.
- 3.6 In one such case, an internal policy change was effected where there were discrepancies to the driver's name on the driver records.
- 3.7 Another case led to improved guidance for theory centre staff when candidates need medical aids with them at all times.

Themes arising from DVSA casework

- 3.8 Following last year's annual report, the DVSA told us that it was working on an action plan to review the issues we had raised. This seems to us to be very good practice, albeit we have not yet seen this action plan which we are told covers matters relating to HS1 (the Agency's policy of placing restrictions on practical test candidates who have been abusive towards staff, about which more below), the use of video evidence and issues surrounding candidates with hidden disabilities.
- 3.9 The following themes emerge from our DVSA casework this year:
 - Quality of investigations
 - Alleged over-use of HS1 incident report forms
 - Use of video evidence
 - Candidates with hidden disabilities
 - Alleged racial or other discrimination
- 3.10 We comment further on three of these issues below.
- 3.11 The DVSA can apply HS1 sanctions (known as control measures) to test candidates if an examiner reports an incident of verbal or/physical abuse. The imposition of a HS1 sanction can involve a booking review marker (BRM) being placed against the learner's record. This prevents candidates from using the online portal to book tests so that control measures can be put in place (typically, a second examiner in the car). Being deprived of the utility of online booking can be especially inconvenient for candidates, bearing in mind the scarcity of available tests.
- 3.12 Not surprisingly, the use (or alleged over-use) of HS1 sanctions, in the absence of a formal appeal mechanism, has been highlighted as a source of complaint in our past two annual reports. The imposition of an HS1 marker does not currently require the

Agency to take account of the learner's account of what occurred. Inevitably, this can lead to criticisms of the fairness of the procedure when the learner is told that a marker has been placed on their record. The DVSA indicated to the ICA in a case below (*Procedural fairness and the HS1 process*) that, on a trial basis, it was introducing a system where the learner would be invited to give their own account of the incident. It seems that the trial has been paused to enable the DVSA to conduct an end-to-end review of the HS1 process. The DVSA has also developed de-escalation training which will be rolled out to frontline staff when operational pressures permit. We look forward to receiving updates about both these measures

- 3.13 As mentioned above, no formal appeal mechanism exists but in another case we summarise (*HS1 should not be imposed indefinitely*), the DVSA is encouraged to review the length of such markers on a case-by-case basis.
- 3.14 Having said all this, we cannot and do not criticise the Agency for acting to protect its staff based on a proper investigation and evidence. Indeed, that is the responsibility of any good employer.
- 3.15 The DVSA also will not view any video footage (or listen to audio recordings) when investigating complaints. This is its policy, which as ICAs we cannot criticise. Nevertheless, our own practice is, when appropriate and possible, to look at any video footage that may assist in resolving a grievance or assessing its validity. Unfortunately, by the time the complaint reaches the ICA, any video footage accessible by the DVSA has usually been destroyed under its data retention policy and is thus unavailable to us. However, customers sometimes provide us with footage.
- 3.16 We remain of the view, that we have expressed in successive annual reports, that the DVSA policy to refuse to view any video or audio evidence is wholly out of kilter with a modern society.
- 3.17 Where allegations of racism are made against DVSA employees, they are often made without any independent evidence. This means that the ICAs are rarely if ever able to make any findings in such cases as any allegation is usually one person's word against another's.
- 3.18 However, we sense a defensiveness on the part of the DVSA - with a tendency to fall back upon broad generalisations about the Civil Service Code and the Agency's commitment to treat all candidates equally. As we have commented on a number of occasions, while the Agency collects and publishes very detailed statistics on test outcomes by gender, age and test centre, its information base in respect of ethnicity is very weak.

3.19 Allegations of racism may not be investigated even when third party evidence could have been gathered as occurred in this case summarised below: *Complaint of racism in practical driving test #2. The failure to conduct a thorough investigation.* This naturally caused great distress to the complainant.

Selected Cases

A. Use of HS1 sanctions

HS1 should not be imposed indefinitely

Complaint: Mr AB complained about the HS1 restrictions placed upon him following a practical driving test. He denied being verbally abusive to the examiner.

Agency response: The DVSA said that it was content that the HS1 had been properly imposed and would not be lifted. Mr AB's conduct had been witnessed by his ADI who had apologised.

ICA outcome: The ICA could identify no maladministration. The policy on HS1s was clear and he was content that sufficient enquiries had been carried out. In particular, the imposition of an HS1 was not dependent upon seeking the candidate's view of events. However, HS1 markers should not remain in place indefinitely. The ICA noted that Mr AB had taken two further (unsuccessful) tests without incident, and that his conduct had been verbal rather than physical. He therefore invited the DVSA to consider lifting the HS1 and this was done with immediate effect.

Procedural fairness and the HS1 process

Complaint: Ms AB complained that her driving examiner had overreacted by physically intervening during a manoeuvre, hugely discomfiting her. The examiner then refused to allow her to terminate the test when she knew she had failed. As a result, she had driven around in a distressed state. The examiner, meanwhile, characterised Ms AB's conduct as aggressive and nasty after she had made the fault, saying that she had explained how to terminate the test, but had also allowed Ms AB to proceed (although she was driving unsafely). The examiner decided that Ms AB was deliberately driving dangerously. As a result of this, and her conduct back at the test centre, the examiner reported the incident, and Ms AB was subject to a BRM. Ms AB complained that her conduct had been mischaracterised, that the examiner had actually refused to stop the test, and that the BRM impeded her ability to progress in driving and in developing her career.

Agency response: The DVSA did not receive Ms AB's original appeal, sent by terrestrial mail to the author of the letter informing her of the HS1 restriction. It then took the Agency two months to reply after Ms AB had repeatedly chased. The DVSA then explained

why she had failed and why the HS1 had been applied. In its stage 2 response, the DVSA explained the difficulties in establishing the events given the different accounts. However, the restriction would remain in situ. The DVSA made a consolatory payment of £100 to reflect the delays in its responses, which had been significant.

ICA outcome: The ICA noted inconsistencies in the examiner's account of events. On the one hand, she had said that Ms AB had deliberately driven dangerously. On the other, the examiner had allowed the test to continue. The local driving test manager, following receipt of the draft ICA report, reconsidered the sanction. She decided that, although the original restriction had been justified, Ms AB should not have been in the position of being able to drive dangerously. The test should have been terminated. On this basis, exceptionally, the restriction was lifted. The ICA welcomed this, while expressing reservations about the fairness of a sanction system that had no appeal mechanism, and seemed to give excessive weight to staff accounts of events. The ICA was particularly disappointed that Ms AB's initial response to the sanction had not even been answered; he found, on the balance of probabilities, that it had in fact been received. Candidates should have the opportunity to make representations, he said, but Ms AB had needed to wait months and keep pushing to get any kind of response. The DVSA explained to the ICA that a trial was being introduced whereby customers would have an opportunity to give their own account of an incident at the point that a sanction was being imposed. The ICA partially upheld the complaint.

Conflicting accounts of candidate and examiner attitude and performance

Complaint: Mr AB complained that the driving examiner in his MOD1 motorcycle test was incredibly rude, sarcastic and hostile from the moment he arrived for the test. He had been delayed due to adverse weather and yet the examiner had laughed and said he was late. Mr AB took offence at the examiner's body language and gesticulations. He was unsuccessful in the test because the examiner deemed his stopping distance in the emergency stop to be considerably in excess of the test requirement. During the debrief, a verbal altercation developed between Mr AB and the examiner. Mr AB said he found the examiner obstructive, rude and hostile. (The examiner later reported that he had found Mr AB to be unreasonable, ranting, and appearing to suggest that he should be allowed another opportunity at the emergency stop.) Mr AB then announced that he would make a complaint. It seems the examiner then tried to activate his body worn camera. According to Mr AB, the examiner in a very loud voice ordered him to leave the test centre or he would be arrested. Other staff became involved. Mr AB told the examiner that he would be requesting CCTV and footage from the body worn camera. In the complaint, he disclosed that he was autistic. He denied that his own behaviour had been unacceptable (he said that his response to aggressive behaviour was to freeze). Nonetheless, the DVSA had applied its HS1 policy which involved a ban from the test centre, and restrictions on future bookings.

Agency response: The local operational delivery manager (ODM) investigated the complaint, and the examiner's report of Mr AB's conduct. The examiner denied saying that Mr AB would be arrested if he did not leave the test centre. The ODM agreed with the examiner that restrictions should be placed on Mr AB's future bookings, and he was so informed. She found that Mr AB had been, according to the examiner, agitated from the outset, challenging the examiner on the condition of his motorcycle, and probing for details of the previous test fail. Mr AB was characterised as becoming very angry on learning he had failed the test. The examiner had stated that Mr AB had shouted abuse and made a derogatory hand gesture. The body cam footage was not retrievable. The DVSA reiterated that video evidence was in any case not admissible in the consideration of complaints. In its fourth response to Mr AB, the Agency apologised for the fact that Mr AB's requests for details of the ODM, and the body cam footage, had not been dealt with adequately. A goodwill payment representing a refund of the test fee (£15.50) and a consolatory sum (£100) was offered. Mr AB remained dissatisfied and requested an ICA review.

ICA outcome: The ICA could not reach firm findings about the conduct of either the examiner or Mr AB. There could be no doubt, however, that each had to some extent misinterpreted the other. The examiner's non-verbal communication had been interpreted by Mr AB as hostile. However, the ICA noted that, had the examiner truly been hostile, then he could have refused to take the test. The ICA thought that some of what Mr AB had interpreted as hostility was the examiner making extra sure that procedures and instructions were fully understood. On the other hand, the ICA was unhappy about the DVSA's investigation. Although the body worn camera footage was not available, the many witnesses present had not been interviewed. The examiner's report of the incident had been made days later (after Mr AB had complained) and was not specific about how Mr AB had been abusive or rude in his gesticulations. Mr AB's specific feedback about how the examiner had behaved was not considered or responded to fully. Irrelevant advice about how to appeal against the test outcome was provided (even though Mr AB had not contested the result), and he was told on four occasions that the DVSA would not admit video evidence (even though there was none available anyway). The ICA concluded that the investigation had been one-sided and unfair. He asked the DVSA to review the HS1 marker which it did, through a different ODM. The outcome was that the marker should remain in place. The ICA was content that the position had been objectively reviewed and that evidence had been obtained from other parties. The DVSA accepted the ICA's other recommendations, namely that a consolatory payment of £350 should be paid to Mr AB, and that staff in the test centre should be supported with training in neuro-diversity. The ICA urged those on both sides of the dispute to consider their impact on the other, noting that people with autism may have difficulties decoding non-verbal communication in particular, and that there was a very real possibility that Mr AB had misunderstood/misread the examiner's response to his lateness, and to his discussion of the test fail and the preceding fails. Nonetheless, because the DVSA had failed to meet the Ombudsman standard of obtaining, through investigation, a clear, fair and balanced account of events, he upheld the complaint in full.

ICA content with sanction applied to a verbally abusive candidate

Complaint: Mr AB complained that his conduct was wrongly characterised as agitated and abusive towards the examiner. The booking review marker blocked him from booking online and necessitated telephone appointments for future driving tests (that would be conducted in a dual control car with a second examiner present). He insisted that he had not sworn, although he accepted he had muttered the word 'scumbag' at the examiner. He insisted that the DVSA had not properly investigated, preferring instead to side with its staff.

Agency response: The examiner's account was contemporaneously recorded and corroborated by her manager. Whether or not Mr AB had sworn, he had certainly been agitated and abusive and the BRM would therefore remain in place.

ICA outcome: The ICA could not be certain about Mr AB's conduct but did not criticise the DVSA for accepting the reports of two staff that he had been inappropriate. By his own admission, Mr AB had been angry and had used offensive language. The ICA judged that Mr AB's own account of his behaviour would be sufficient to engage zero tolerance policies in most organisations. The ICA did not uphold the complaint.

HS1 sanction applied after an altercation in the car park before the test

Complaint: Mr AB, supported by his partner, complained about the way he had been treated when he presented for his motorcycle MOD1 test. He said he had been unloading his bike in the car park of the test centre with his dog sitting on the kerb. A DVSA examiner conducting a car test in the car park asked him to secure the dog. He was unable to do so, and an altercation ensued about this and the position of his truck in the car park. Mr AB complained that his conduct had been mischaracterised. He had been falsely accused of aggressive behaviour and swearing and unfairly sanctioned under the HS1 policy. Mr AB and his partner characterised the examiner's conduct as "emotionally unregulated", hectoring and unprofessional.

Agency response: The senior manager for the region investigated and upheld the examiner's handling of the situation. She noted that the examiner had reflected on the way that she had initially asked Mr AB to secure his dog. The examiner said that she had raised her voice to be heard across the car park. The restrictions on future bookings remained.

ICA outcome: As in like cases, the ICA could not adjudicate on the behaviour of either the examiner or Mr AB. On the one hand, he agreed with the DVSA that Mr AB should not have been on its premises during another candidate's test with a dog that was not secured. On the other, he was critical of the examiner for raising a new line of confrontation with Mr AB (about the parking of his truck) when she had judged him as very aggressive. The ICA was not convinced that the examiner had deployed any de-escalation techniques - quite

the opposite. However, on the evidence before him (that included an interview with the examiner's candidate who corroborated her account and reported feeling intimidated by Mr AB), the ICA accepted that the investigation was reasonable. He suggested that the examiner might be supported by the Agency in developing de-escalation techniques to better handle future confrontational situations.

A candidate adjudged to smell of cannabis is verbally abusive, according to the DVSA

Complaint: Mr AB complained that the examiner at his practical driving test would not proceed with the test. He said she had mistaken the new car smell of his vehicle and his aftershave for cannabis. He had also been placed on a HS1 and said having to source a dual-control car would be inconvenient.

Agency response: The DVSA had endorsed the judgement of its examiner who had sought the views of colleagues. The DVSA also said the HS1 restrictions would remain in place because of Mr AB's reaction to being told the test would not go ahead.

ICA outcome: The ICA said he could offer no relief to Mr AB. The DVSA was entitled to rely upon the examiner's judgement, and it was not surprising that she would take a risk-averse approach to possible drug driving. Mr AB's behaviour and language had also been appalling and the HS1 was entirely justified. This would be inconvenient for Mr AB but he had brought it on himself. The ICA's principal sympathies were with the examiner and her colleagues. However, the ICA regretted that the examiner had not turned on her body worn camera as this would have provided objective evidence of Mr AB's behaviour. This was the second ICA review where an examiner had not turned on their body worn camera during an incident.

B. Complaints about practical driving test conduct and outcome

Allegation of unfair marking of practical driving test

Complaint: Mr AB complained that his last two driving tests had been very unprofessionally conducted, with unfair assessments of his driving meaning that serious faults had been wrongly recorded. On the second occasion, his observation on the roundabout had been perfect and yet the DVSA had failed him for not making effective observation while changing lanes. Mr AB also criticised the time between driving tests and referenced his mental health difficulties.

Agency response: Local management investigation did not corroborate Mr AB's criticisms of the examiner. Further information about the basis of the marking on the second test was given. The DVSA could not comment on the first as more than six months had passed. In response to Mr AB's complaint about the availability of driving test appointments, the Agency outlined the measures it was taking to counter this.

ICA outcome: The ICA empathised with the DVSA's difficulties in responding to the complaint, as Mr AB had not given clear examples of inappropriate behaviour or attitude. He found the complaint responses to be of a good standard, providing additional detail about the serious fault recorded on the second test. The ICA commended the DVSA for picking up on Mr AB's references to mental health problems, and citing the option of notifying the Agency of a disability so that any reasonable adjustment to the test process could be made. The ICA did not uphold the complaint.

Complaint of racism in practical driving test #1 (alleged misuse of the HS1 policy)

Complaint: Mr AB had severe problems booking a driving test in his area and therefore booked with a test centre some distance from his home. On arrival, the examiner refused to take the test because his rear windows were heavily tinted, and it was an overcast day, meaning that visibility was insufficient from inside the car. Mr AB complained that he had been racially profiled and discriminated against, both in the refusal of the test, and in the application of the DVSA's HS1 policy that had resulted in restrictions being placed on future bookings. He had offered to remove the tints, and felt that he had time to do so, but this had been refused. He refuted the DVSA's account that he had been verbally abusive to the examiner. He said he had undertaken two tests in the vehicle before without incident. The examiner had switched on their body worn video; Mr AB argued that this showed that he had acted appropriately.

Agency response: In response to his complaint, the DVSA told Mr AB that examiners needed to have all-round vision. It could not change the driving test result. And there had simply been insufficient time to remove the tints. The Agency concluded that there had been no racial profiling, and it had a zero-tolerance policy on discrimination. The body worn video had been switched on in response to Mr AB's abusive behaviour, after which he had behaved appropriately, meaning that there was no video evidence. The DVSA declined to lift the HS1 marker.

ICA outcome: The ICA was unhappy about a number of aspects of the DVSA's responses. Mr AB had never been clearly told what aspect of his behaviour had triggered the sanction. There was some variation between the description of the behaviour in the driving test report on the test day, and the account given in the incident report two days later (the latter referring to far worse behaviour). Other aspects of the DVSA's responses were also unsatisfactory. In particular, the ICA was unhappy about the certainty with which the DVSA had dismissed the racism complaint. The ICA judged that the nature of racism is usually covert and that candidates who feel discriminated against will have tremendous difficulty proving it. The ICA acknowledged also that staff should not be subject to allegations of gross misconduct without some evidence. The ICA was not critical of the DVSA for accepting the account of its staff following a management investigation. However, he concluded that the DVSA had not fully answered Mr AB's questions and points. The ICA was also unhappy about the delay in referral to the independent tier. He therefore partially upheld the complaint and recommended a consolatory payment of £100.

Complaint of racism in practical driving test #2

Complaint: Mr AB twice sat a driving test with same examiner - and twice failed. He alleged that the examiner was rude to him on both occasions and rude to his driving instructor. Mr AB alleged discrimination as he and his ADI are black.

Agency response: The DVSA said in both its stage 1 and 2 responses that the examiner was not racist. Although the examiner's manager had not sat a test with him, his limited observations were that the examiner did not display discriminatory behaviour. When the ICA referral was requested, the DVSA acknowledged that the matter had been dealt with poorly, had apologised, and offered a consolatory payment of £62 which reflected a refund of the test fee.

ICA outcome: The ICA found that the allegation of racism had not been investigated. Given that the ADI had been in the car during the test, they should have been asked what happened in respect of alleged rudeness/discriminatory behaviour. The ICA recommended increasing the consolatory payment to £120 and that the ICA report should be referred to senior management.

Complaint of racism in practical driving test #3

Failure to investigate allegation of racism in practical driving test

Complaint: Mr AB complained about the outcome of his practical driving test which he attributed to racism on the part of the examiner. He submitted video evidence that he said demonstrated that a serious fault had not occurred as the examiner had alleged.

Agency response: The DVSA had supported the examiner. In line with its policy, it had not considered Mr AB's video evidence. The Agency had accepted some delay in handling the complaint.

ICA outcome: The ICA criticised the DVSA for not conducting any investigation whatsoever into an allegation of racism - not least, the examiner was surely entitled to be told what was alleged against him. The ICA also viewed the video evidence and asked for the views of a fellow ICA. He also had the benefit of a written statement from Mr AB's instructor who strongly supported the complaint that the test had been wrongly marked. The ICA could not of course overturn the outcome, nor could he criticise the DVSA policy on video recordings. But he offered his lay view on what the video demonstrated. The ICA was pleased that the DVSA accepted that an investigation should have been conducted and would be making a consolatory payment of £120 (which the ICA judged was in line with the relevant guidance). The ICA further recommended that a copy of his report be considered by DVSA senior management.

Complaint of unprofessional conduct by examiner in practical driving test

Complaint: Ms AB complained about what she termed unprofessional conduct of the examiner during her driving test, which she had failed. Ms AB was also unhappy with the DVSA's handling of her complaint, which she said amounted to accepting the examiner's word against hers - even though he could not give an account of what had happened.

Agency response: The DVSA said the examiner was experienced and the alleged conduct would have been completely out of character. But the Agency acknowledged that there had been a delay in responding to Ms AB's complaint and in referring it to the ICA. A consolatory payment of £175 was offered.

ICA outcome: The ICA noted a tendency by some in the DVSA to assume that Ms AB's complaint was simply that of a candidate expressing sour grapes about the test result. The ICA considered that the examiner could have been more robustly interviewed (and challenged about an apparent failure to recall a test which was among the most recent he had carried out). The ICA also noted the delays in the handling of Ms AB's complaint and in the referral to ICA. A consolatory payment of £200 was recommended. Ms AB's complaint was partly upheld.

Complaint from driving instructor not in the vehicle

Complaint: Mr AB (an ADI) complained in relation to a practical driving test taken by one of his pupils. Although he was not in the vehicle at the time, he challenged the examiner's account of an incident at a roundabout. He said the dash-cam footage did not show the incident as described by the examiner. He also criticised the examiner's conduct when he challenged the outcome of the test, and subsequently accused him of lying.

Agency response: The DVSA said it was satisfied the test had been judged and conducted properly. It had confirmed its policy not to use video evidence.

ICA outcome: The ICA said it was unfortunate that the matter had escalated through the complaints system. After receiving the stage 1 response, Mr AB had said he did not want to take it further. However, the DVSA had sent a stage 2 response that in turn had led to a request for an ICA review. The ICA said that the better course would have been to have invited Mr AB to a meeting with the Local Driving Test Manager (LDTM) as a fellow professional. He recommended that these views be shared with DVSA staff responsible for escalating Mr AB's complaint. The ICA could not adjudicate on what actually took place during the test in question, and said that while he accepted that dash-cam footage could not show events adjacent to a vehicle, he did not find merit in the Agency's policy banning all use of video evidence in adjudicating upon complaints. He did not uphold the complaint.

Failed motorcycle test

Complaint: Mr AB failed his MOD2 motorcycle test for the third time. Having had reservations about the marking of prior serious faults, on this occasion he complained about the examiner's judgement. The fault had been marked on a blind junction where he was said to have fully cut the corner. He provided pictures of the junction and argued that the road markings were non-existent, and the road had been clear in both directions. He requested the reimbursement of his test fee.

Agency response: The DVSA said that Mr AB's positioning on the junction had been incorrect and that the poor road markings were on the road he was turning off rather than the one he was turning onto. This had compounded his error. The DVSA did not uphold the complaint.

ICA outcome: The ICA was faced with all the usual difficulties of one account of candidate performance versus another. He was content with the DVSA's handling of the complaint, noting that the examiner had been spoken to, and that an evidenced account of events had been provided. Accordingly, he was unable to uphold the complaint.

Test candidate with garrulous friend

Complaint: Mr AB complained about the conduct of his practical driving test. He said the examiner had spoken sternly to his friend who was accompanying the test and that this caused him to make an error in his driving. He pointed out that he had subsequently passed a test in an automatic vehicle and wanted the manual fail converted to a pass.

Agency response: The DVSA said it was content the test had been conducted in line with the guidelines. Mr AB's friend had been told before the test that he was not to intervene. Nor could the manual fail and automatic pass be combined.

ICA outcome: The ICA could not provide Mr AB with the outcome he sought. There was no way in law in which a test fail could be converted to a pass. The ICA also thought the examiner was entitled to speak 'sternly' if his instruction to Mr AB's friend was ignored. However, the ICA was disturbed that in the wash-up the examiner had said that small talk was particularly of concern as Mr AB's first language was not English. He said such comments were better not made and that there was a clear learning point for the DVSA. He did not uphold the complaint.

Test terminated because of warning light

Complaint: Mr AB complained about the conduct of the examiner during his daughter's practical driving test. He said the examiner had been late and shown disapproval when she learned that the test was not to be taken in an instructor's car. More to the point, he

criticised the examiner for leaving his daughter alone and in tears when the test was discontinued after a warning light for an air bag was illuminated.

Agency response: The DVSA had initially suggested that the test should have been allowed to continue – a position from which it later resiled. However, it acknowledged poor service to Mr AB's daughter and had apologised.

ICA outcome: The ICA could not adjudicate upon factual issues (for example, was the warning light red as the examiner said or amber as Mr AB alleged?). However, he took it as given following the DVSA's admissions that poor service had been shown in leaving Mr AB's daughter alone in the car (the test had ended two miles from the test centre). The ICA was also very critical of the complaint handling which included inconsistencies and a failure to address Mr AB's claims about the examiner's lateness and demeanour. He made three recommendations and part upheld the complaint. One recommendation was for a consolatory payment of £125. The other two related to wording in the guidance to examiners (the DT1) to ensure it covered the circumstances that had led to Mr AB's complaint (an unaccompanied test, and a faulty light appearing during the test rather than at its commencement).

Test failure and examiner conduct

Complaint: Mr AB complained did not understand why he failed his class C&E test, reporting that it was not properly explained to him at the time. Mr AB believed the examiner was lying and suggested that the footage on the examiner's body worn camera should be reviewed. It would cost £440 for a retest – Mr AB felt that he could not learn from this failed test because he did not know how to improve.

Agency response: The DVSA was satisfied that the test had been conducted correctly.

ICA outcome: The ICA could not resolve the dispute around Mr AB's and the examiner's differing views on the test performance. The ICA found the DVSA followed its standard procedure, and she was satisfied that it had given full regard to Mr AB's points. The Agency had made genuine efforts to explain matters and the reasons for the fail. The ICA was satisfied with the DVSA's approach. Although not pertinent to the complaint, she recommended that the test centre remind examiners to hold debriefs with instructors in the presence of candidates and, if a separate discussion does occur, the examiner should explain why on the driving test report.

Identity in doubt #1

Complaint: Mr AB complained about the cancellation of his practical driving test because the examiner judged that he did not resemble the photograph on his licence. He said he had the same photo on his passport and met no difficulties entering and exiting the country. A previous driving test had also gone ahead without trouble.

Agency response: The DVSA said it was the examiner's duty to check the photograph. Mr AB appeared much younger in the photo but was now a man with a full beard.

ICA outcome: The ICA asked Mr AB for copies of the photo licence and a recent picture but none was forthcoming. He said it was clear that the examiner did have the authority to refuse to test when a licence photo was in doubt. But the DVSA had wrongly (and curiously) argued there was no link between the passport and photo licence pictures. The ICA awarded a consolatory payment of £100. The ICA also recommended that the DVSA consider if further information be given to candidates warning them that tests may not proceed if they no longer look like the photo on their licence. All the DVLA guidance and the law itself relates the need for a recent good likeness when applying for a licence not about any problems if someone's appearance changes – as is very likely in the case of young people sitting their driving tests.

Identity in doubt #2

Complaint: Ms AB, who was pregnant at the time, complained that her driving test was refused on the grounds that her photo did not resemble her. She said that she had gained weight while expecting her baby. Ms AB reported that she had taken driving tests before and since with the same photograph and not experienced any issues.

Agency response: The DVSA said the examiner could not confirm Ms AB's identity as the photograph on her licence was not a true likeness of her on the day. The law required her to produce suitable ID and, if the examiner was not completely satisfied, they were able to refuse the test to prevent identity fraud (the DVSA has seen a rise in candidate impersonation in recent years). Ms AB was advised to change her photo before taking another test.

ICA outcome: The ICA found that there is restricted guidance, accessible to examiners but not to complainants or the public, which sets out what examiners should do when faced with identity issues. Noting that the Equality Act 2010 offers protection against discrimination for pregnant women, the ICA criticised the lack of investigation into Ms AB's complaint at either stage 1 or 2 of the complaints procedure. The ICA also noted that the information on gov.uk suggests there is no need for photos to be updated between the ten-year mandatory period. There was a gap in the information available to test candidates that needed to be addressed. The ICA recommended a consolatory payment to Ms AB of £250.

Defective tyre on examiner's bike

Complaint: Mr AB attended for his MOD 2 motorcycle practical driving test with only a few weeks to spare before the currency of his theory test pass expired. Before the test, the DVSA realised that its examiner's bike had a defective tyre. It could not find a replacement

bike and the test was cancelled. It was impossible for Mr AB to book a new test before the theory test expired. Mr AB complained that this had cost him several hundred pounds in additional tuition fees, for which he should be reimbursed. He also said that the DVSA should fund his theory and MOD 1 resit indefinitely, until he passed.

Agency response: The DVSA initially offered a free MOD 2 test, and after further complaints agreed to fund a MOD 1 as well and make a £50 goodwill payment. It refused to fund additional tuition. At ICA referral stage, the consolatory offer was increased to £250. Mr AB remained dissatisfied.

ICA outcome: The ICA was content that the DVSA could not depart from the legal requirement for the theory and MOD 1 test to be re-sat, and he regarded the offer of the test fees as reasonable. However, he was disappointed that the initial handling simply pointed Mr AB to the out-of-pocket expenses (OOPE) policy. What had happened to Mr AB should have been seen as a serious failure, given the Agency's reason for existence – the promotion and enforcement of road safety. The handling of the complaint should have reflected this, and an early offer of a consolatory payment linked to the PHSO severity scale should have been made. The ICA considered Mr AB's hardship as commensurate with the PHSO level 3 but balanced this with an acknowledgement that, ten months after the cancelled tests, Mr AB had still not reapplied for a MOD 1 test. This weakened his argument that the DVSA had cost him several hundred pounds in additional training; this was hardship that could have mitigated via a timely re-sit of the MOD 1. The ICA accepted that the DVSA could not pay Mr AB's training fees. He partially upheld the complaint and recommended a consolatory payment in total of £500.

HGV test curtailed when defective tyre is identified

Complaint: Mr AB complained after a trailer he presented for an HGV and trailer test with his candidate was adjudged to have a deficient tyre and was then found to have further defects by a DVSA vehicle examiner based on the same site. He argued that the driving examiner had exceeded, if not contradicted, the provisions of the DT1 guidance by leaving the candidate while seeking the input of a vehicle examiner elsewhere in the depot. He also alleged that the examiner a month earlier had made an inappropriate request about hiring one of his company's vehicles. He alleged a breach of the Civil Service Code and a deficient investigation in which the vehicle examiner's evidence had not been sought.

Agency response: The DVSA explained that the show me/tell me part of the test had involved checking the mudguards. During this sequence the examiner had noticed the apparent defect and terminated the test. He had then involved a vehicle examiner colleague who was co-located in the same base. The examiner had confirmed his assessment of the tyre and referred the vehicle for a deeper inspection in which other apparent faults were identified, prompting a prosecution. The examiner accepted that his query about hiring a vehicle a month beforehand had been unwise but said it had been a genuine enquiry.

ICA outcome: The ICA noted Mr AB's account that the DVSA investigation had been deficient, but he did not regard any of the points of contention as sufficient to challenge the index event: that Mr AB had presented a defective trailer for test with his candidate, and that the test had been correctly cancelled. The ICA agreed with the driving examiner that it had been unwise to make an enquiry about hiring a vehicle in the context of the test, but he did not find that any of the Civil Service Code provisions had been breached. There had been no suggestion that the outcome of the test would turn on this, nor had there been any consequence when it was declined. The ICA regarded the driving examiner as duty-bound to refuse to allow the test to go ahead with a potentially unsafe trailer. The imperative of road safety trumped all of Mr AB's arguments about the extent of the DVSA's investigation. The ICA did not uphold the complaint.

Reasonable adjustments on practical driving test

Complaint: Ms AB complained that the DVSA had not met her request for adjustments in relation to a practical driving test. She said she had explained that she needed a green background to all the forms she completed and that sat nav was not to be used. She also alleged that the examiner had not been aware of her dyslexia and visual stress.

Agency response: The DVSA said that the examiner had in fact been aware of Ms AB's dyslexia and visual stress, but she had not alerted the Agency to her other needs. The Agency said the examiner had reported that Ms AB had conducted the sat nav part of the test very well. The test centre manager had also suggested that Ms AB discuss any special needs in advance of any future test.

ICA outcome: The ICA said the evidence indeed suggested that Ms AB had not mentioned the need for a green background on forms and no sat nav. He also had no reason to doubt the examiner's account that he had been aware of Ms AB's other special needs. Although he could not make definitive legal judgements, the ICA said he could identify no maladministration or breaches of the Equality Act. Indeed, he commended the Agency for offering Ms AB an opportunity to discuss her needs with the test centre in advance of any further test. He also commended the DVSA's statement of purpose in respect of assisting people with special needs to pass their driving test.

C. Complaints about driving test administration

Out-of-pocket expenses do not include costs of additional training

Complaint: Mr AB complained about the DVSA's out-of-pocket expenses (OOPE) policy after his daughter's test was cancelled at just two hours' notice. He said that she had invested much time and money in extra training that the DVSA refused to pay for.

Agency response: The DVSA said that the terms of its OOPE policy did not allow for the costs of tuition to be claimed. The candidate would benefit from the training, and a more generous OOPE would have repercussions for the overall test fee.

ICA outcome: The ICA said he sympathised with Mr AB and his daughter. Passing a driving test was a rite of passage – but an expensive one. It would also have been very disappointing when the test was cancelled with just two hours' notice. However, he could not criticise the DVSA's published policy. Nor were the grounds for that policy unreasonable ones. Any further criticisms should be for the political process not for an administrative complaints procedure.

The choice of routes for practical driving tests

Complaint: Mr AB complained about the use of his street and neighbouring roads as part of a driving test route. He cited the existing pollution from a large local employer. He also asked if a pollution survey had been carried out, who decided the test routes, and whether there had been consultation with local people.

Agency response: The DVSA had disputed the traffic figures quoted by Mr AB, saying that the roads in question were not used as extensively as Mr AB claimed. It acknowledged, however, that ADIs might well be using these routes with their pupils. The DVSA said it could not prevent ADIs from using public roads but had agreed to post notices at test centres discouraging the use of Mr AB's neighbourhood, a message followed up in face-to-face discussions with ADIs. The DVSA said no pollution surveys had been conducted, and none was required. Test routes were agreed by LDTMs and designed to test candidates' driving competence in a range of settings. If Mr AB was concerned about pollution he would need to approach his local authority.

ICA outcome: The ICA sympathised with Mr AB but from an administrative point of view his complaint had been well handled. The DVSA could not instruct ADIs where to take their pupils (the very definition of a public road is a road to which the public have access) but the Agency had responded appropriately to Mr AB's concerns. In practice, it did not appear that Mr AB's neighbouring streets were overused as test routes (indeed, it seemed the street where he lived was not actually used at all) and the Agency was not required to conduct pollution surveys or consult with neighbours before deciding on test routes. Having said that, courtesy and good practice should mean that the DVSA should respond to any representations about test routes – which is what had occurred on this occasion.

Difficulties in booking tests for disabled people using online portal

Complaint: Ms AB complained that disabled people attempting to book driving tests were misadvised by the online portal and disadvantaged in terms of test availability. When choosing her preferred centre, she could see 143 available tests but no double-time slots for people with physical disabilities. The system did not advise people to ring the helpline;

despite that (and the helpline's automated message telling drivers there were no tests available by phone), she had persevered and managed to book. Regrettably, the lack of availability had forced her to re-pass the theory test. Ms AB was also critical of the DVSA's responses to her complaint that did not tally with her experience of trying to book.

Agency response: The DVSA stated that people identifying as disabled were redirected to the helpline so that adjustments could be arranged. Extended tests were available to allow more time for the examiner to discuss requirements at the beginning. In later correspondence, the DVSA explained that disabled people should have the same access to appointments but needed double slots. They were only directed to the helpline if a double slot was not available. Throughout the process, DVSA staff had assisted Ms AB by finding her earlier bookings. The DVSA also refunded her theory test fee.

ICA outcome: The ICA shared Ms AB's confusion with some of the DVSA responses to her queries and challenges. She was told repeatedly that the system recommended ringing the helpline in the absence of bookable appointment. In actual fact, as explained to the ICA after further enquiries, the prescribed option in the absence of an available booking was to select 'Place test on hold'. This would be referred to the deployment team who would check the hold list and try to create or convert slots to a special needs extra time slot. Candidates could ring (and would thereby trigger the same involvement of the deployment team) but were not directed to do so, as Ms AB had been repeatedly told. The ICA accepted the DVSA's assurances as to the accessibility and robustness of the system, explaining that when Ms AB had been trying to book originally there had been limited test slot availability at her chosen test centre due to a change of examiner work pattern. This had been remedied and indeed Ms AB had successfully booked after the episode leading to her complaint. The ICA partially upheld Ms AB's grievance because some of the messaging had been confused, and he recommended that the DVSA ensure that its complaints function fully understood the various pathways triggered by candidates' disclosures of disability.

D. Theory test centre complaints

ICA partially uphold a complaint of religious discrimination

Complaint: Mr AB complained that he had felt disrespected and violated after being required to remove his head covering (a kippah, worn as part of his religious observance) in a theory test centre. Mr AB said that he had been traumatised by events and had gone home in tears. He had needed mental health support and had been unable to organise his practical driving test. He pressed for a payment in line with the upper end of the Ombudsman's severity index and requested CCTV footage. Unfortunately, by the time the CCTV request was picked up, it was too late to retrieve it due to the 60-day automatic disposal policy (Mr AB escalated his complaint to the Information Commissioner who upheld it.) He then reverted to the DVSA who apologised and increased the offer of a consolatory payment from £23 (the theory test fee) to £100.

Agency response: After initial delays in picking up the complaint, the DVSA acknowledged a breach of policy. Religious clothing and objects are permitted in the testing area and candidates' refusals to adjust or remove items of religious clothing or objects should not be an obstacle to them sitting the test. This was acknowledged and apologised for, and the refund was offered. After the involvement of the ICO, the DVSA upped the consolatory offer. It saw no value in investigating events in line with Mr AB's request due to the passage of time. At the ICA referral stage, the consolatory offer was increased to £350. Mr AB remained dissatisfied.

ICA outcome: The ICA expressed his concern that Mr AB had been humiliated in a public area contrary to the DVSA's aim to "consider equality, diversity and inclusion in everything we do". The ICA was disappointed that a serious complaint revealing a failure of policy in relation to a protected characteristic had been confined to a policy-based investigation. The DVSA did not elicit a coherent account of events from the staff involved, or much detail from Mr AB (to whom the ICA spoke himself). The ICA considered that the DVSA had fallen short of key Ombudsman standards. A full apology and remedy had not been on the table before Mr AB had escalated his complaint to the Information Commissioner's Office. The ICA recommended that the DVSA consider ways of equipping staff to recognise items of religious observance during security checks and to clarify their status with candidates. The ICA reiterated findings from other complaints about the rigour of theory test investigations. He did not feel that serious complaints were graded correctly from the outset. Too often, it was at the ICA stage - or just before - that the severity of the situation was recognised. He noted that Mr AB had had to push hard to get his case taken seriously. Taking all of this into account, he recommended that the consolatory payment be increased by a further £200 (to £550) in total. He partially upheld the complaint.

DVSA accepts at ICA stage that it should have done much better to provide a service to a candidate with a hidden disability

Complaint: Mr AB's daughter and son had complex mental health and neurological conditions. He said that staff at a theory test centre had been rude and dismissive when his daughter had undertaken the test, but he had not complained at the time as she had passed it. His complaint related to his son's second appointment for the theory test. He had been unable to secure an afternoon appointment in a separate room (he was offered only 8.00am appointments for his son which were not appropriate given his presentation). In desperation, he booked his son into an ordinary appointment in the afternoon. He complained that his son's outerwear was removed inappropriately by a member of staff, causing his son to swear, and that she had touched him on the shoulder - contact that Mr AB and his son regarded as tantamount to assault. Mr AB's son had been spoken to by the supervisor while his test was paused and allowed to continue. However, the whole experience had been very distressing. Mr AB demanded a full investigation with reference to CCTV and reimbursement of the theory test fee.

Agency response: The DVSA in liaison with its theory test partner stated that staff had been following policy, and that the physical contact had been a tap on the arm when Mr AB's son had not responded to verbal requests to pass his garment to a member of staff. The staff member had assumed that he had not heard her. Various accounts of why it was impossible to book an early test in a private room were provided. However, Mr AB was eventually able to do so, as he had done with his daughter.

ICA outcome: The ICA had reservations about the Agency's responses. On the one hand, Mr AB was told that he should have booked his son in for non-standard adjustments. On the other, the DVSA explained that staff were unaware of the mental health/neurological status of candidates and were told only about the accommodation that had been arranged. The ICA noted Mr AB's strenuous efforts to book non-standard adjustments. He suggested that, if candidates agreed, it would be helpful for the staff to be aware of any hidden disability. The ICA did not think that all of Mr AB's criticisms of the staff member were fair. She had been unaware of any non-standard accommodation/disability status. She may have thought that Mr AB's son was hard of hearing. She made neutral physical contact on his elbow as a prompt. The ICA welcomed the DVSA's response to his draft report - a full reinvestigation that identified that Mr AB's son should have been offered an appointment and a separate room at a later time of day. Remedial measures had been put in place and staff were reminded that they should not touch candidates under any circumstances. In addition, the DVSA agreed to refund the test fee and make a consolatory payment, a total sum of £100. The ICA partially upheld the complaint asking that the DVSA consider ways of equipping staff to anticipate the needs of people with hidden disabilities, for example through the sunflower lanyard system.

E. ADI and ATB complaints

Failed check tests lead to complaint of discrimination

Complaint: Mr AB had worked as an ADI for four years. He complained after failing the third of his standards tests (check tests). Facing removal from the register, he made a series of complaints against the DVSA about the conduct and marking of his third check test, arguing that there had likely been discrimination involved as his performance had improved across the three tests but had not been reflected in the marking. This was a career he had built up over four years, with considerable positive feedback and results from the communities he served. Mr AB said he had suffered racist and ageist comments over five years. He regarded the DVSA's responses as simply parroting what staff were saying and lacking in fairness or objectivity.

Agency response: The local driving test manager investigated the complaint and upheld the judgements of the examiner. Mr AB's further critiques were also investigated and responded to. The DVSA said the test route had been too basic and the lesson plan had not been matched to the pupil's standards. The Agency said there had been no discrimination based on age or ethnicity.

ICA outcome: The ICA had the same problem as the DVSA in being presented with two opposite accounts of candidate and examiner performance. He was content with the conduct of the local investigation and with the Agency's responses to Mr AB's challenges. Any examination mediated by human judgement ran a risk of subjectivity and error. The backstop here was the fact that instructors had three opportunities to pass the standards check. Regrettably Mr AB had fallen some way below the threshold on each occasion. The ICA wished him success in re-establishing his career, noting that he would need to give weight to independent assessments of his competence in order to develop his practice. While sympathetic to Mr AB's points about possible discrimination, the ICA said the nature of most discrimination is that it was expressed covertly, rather than explicitly. The ICA understood Mr AB's intense feeling that the marking in all three check tests did not correspond to his performance, and his conclusion that this could only relate to personal characteristics rather than the quality of tuition offered. But again, on the evidence before him, the ICA could not reach any finding.

Availability of ADI tests affected by backlog of ordinary driving tests

Complaint: Mr AB complained about the lack of availability of ADI part 2 and 3 tests. He said he was fearful that the two-year deadline for training as an ADI would expire.

Agency response: The DVSA said it acknowledged the difficulties facing those training to become ADIs. It said that, because of the backlog of ordinary driving tests, more senior staff had been directed to take such tests meaning there were fewer available to take ADI tests. The DVSA also reported that it was reviewing the situation.

ICA outcome: The ICA said he sympathised greatly with Mr AB. The ADI training process was prolonged and expensive as it was. However, he could not deem the DVSA's attempts to remedy the backlog of other tests as maladministrative - notwithstanding the impact on ADIs. In addition, the two-year time limit was established in legislation. In these circumstances, the ICA could not uphold the complaint.

Problems for ADI at a theory test centre

Complaint: Mr AB complained about his ADI part 1 test (theory test). He said that the computer mouse had not worked during the hazard perception part of the test and that staff had not assisted him when he raised his hand. He asked a pass to be registered.

Agency response: The DVSA said its records showed that all clips had been clicked and that no one else had raised issues about the mouse. It also said that a test pass could not be registered as both parts of the part 1 had to be taken together. The Agency had repaid the £82 test fee on grounds of poor service (i.e. it had taken Mr AB at his word and accepted that staff had not responded to his raised hand).

ICA outcome: The ICA could not uphold the complaint. He could not adjudicate upon the factual issues but was satisfied with the DVSA's enquiries and could identify no maladministration.

Long wait for part 3 test

Complaint: Ms AB was training to be an approved driving instructor and had passed her part 2 test with 22 months to spare before the two-year booking window for the part 3 closed. Unfortunately, three bookings for the part 3 were cancelled by the DVSA due to examiner shortages. Ms AB failed on her first attempt (nine months before the booking window closed) and immediately tried to rebook. She complained that the DVSA's customer service team had informed her that she had a test in the system booked using the on-hold provision. However, when she chased this up in the weeks before the booking window closed, it turned out there was no booking because she had not paid. She said she had not understood that she needed to pay. Ms AB complained that she had lost six months. Further complaints arose from her dealings with the DVSA, including that she was misadvised when she booked the second part 3 (that she went on to fail), and that the DVSA unreasonably refused to allow her a third opportunity on the grounds that the two-year booking window was closed. Ms AB argued that the multiple cancellations and poor service mandated the Agency to depart from the letter of the regulations.

Agency response: The DVSA's initial response simply commiserated with Ms AB for the cancellations. It did not refer to her complaint that she had been misinformed. Ms AB continued to push her points, and the Agency went on to say that the second part 3 booking had been a concession made by the registrar given her circumstances. Bookings could not be made outside of the two-year window after passing the part 1. The DVSA insisted that it had no discretion. In its later responses, it reflected that Ms AB had been poorly advised on the phone, and it refunded her the equivalent of the cost of the part 1 and part 3 tests (£192 in total).

ICA outcome: The ICA did not agree with Ms AB that the wording of the email she had received when enquiring about booking implied that the booking had been made. The messaging was clear that the customer service team needed to be phoned in order for an on-hold booking to be made. The ICA did not therefore find that the DVSA was responsible for the six months that Ms AB lost in the run-up to booking her final test. Nor could he speculate what the outcome would have been had she booked on-hold six months sooner. The ICA was critical of some aspects of the complaint handling. He found that some of the responses were formulaic and did not engage with the essence of the complaint (he was pleased that this was largely put right later in the day). The ICA saw no reason to recommend a payment above the £192 already made by the Agency. He did not uphold the complaint. He wished Ms AB success in pursuing her career in this important area of the economy that was very short of skilled practitioners.

Consequences of failed part 3 test

Complaint: Mr AB complained about the conduct of the examiner on his part 3 ADI test. He alleged that the examiner had made a number of errors in his assessment of Mr AB's instruction of his pupil, causing him to fail his part 3 for the third and final time. The errors he cited included failing to notice that the pupil had positioned himself incorrectly in the centre of the road at a junction, allowing insufficient time for feedback at the end of the assessment, and giving insufficient credit for the teaching he provided on road markings and traffic signs. Mr AB alleged that his test outcome had been known at the outset and the assessment had not been conducted fairly.

Agency response: The DVSA had investigated the complaint but could find no basis to uphold. The DVSA has no powers to overturn a test result in any event. It did, however, offer Mr AB a £111 consolatory payment due to confusion caused by information it provided to him about the appeals routes he could engage.

ICA outcome: The ICA sympathised with Mr AB's situation given the financial and practical implications of a third failure of the part 3 which meant that Mr AB would have to restart the whole process again. She noted, however, that ICAs are unable to resolve disputes about what may or may not have happened during a driving test, and certainly had no authority to overturn a driving test result. She considered the consolatory payment made by the DVSA to reflect the lack of clarity of the information provided to Mr AB about the magistrates' court appeal route to have been appropriate and sufficient.

Procedure for obtaining enhanced DBS check

Complaint: Mr AB, an ADI for 36 years, was sent the normal four-yearly registration renewal email six months before the expiry of his registration. This contained a hyperlink to a portal overseen by the DVSA's partner, FirstAdvantage, through which an enhanced DBS certificate could be obtained. This is a requirement in DVSA policy to meet the requirement in s.127(3)(e) Road Traffic Act 1988 for ADIs to be 'fit and proper' persons. Rather than paying the £300 fee, Mr AB commissioned his own standard DBS check and his application, made six months after the reminder, was duly rejected. He complained about the requirement for to use FirstAdvantage to acquire the requisite certification.

Agency response: The DVSA repeated the requirement for enhanced DBS through its provider, and referenced Mr AB to the underpinning legislation. The DVSA accepted that the precise requirement was not spelled out in the legislation but nonetheless was an established procedure.

ICA outcome: The ICA said the complaint was addressed to DVSA policy rather than customer service (that had been consistent, accurate, timely and clear throughout). There had been a period of a couple of weeks when Mr AB was not registered (and therefore could not work as an ADI) but this was not the fault of the DVSA. The ICA said that it was

essential that public bodies make policy to deliver legislative requirements. The procedure for providing an enhanced DBS certificate, along with many other functions, was not prescribed in law to the extent that Mr AB thought it should have been. In the absence of any failure of service, the ICA did not uphold the complaint.

Driving school closed down by regulatory action

Complaint: Mr AB complained that his driving school had been closed down inappropriately for two months, and that the ADI registrar was biased against him in this and other regulatory action taken against his business. He was critical of the DVSA's remedial payments that he argued did not take full account of his business model and losses and made many other complaints about the probity of third parties.

Agency response: The DVSA reconsidered the removal of Mr AB's business from the register very soon after he challenged the decision, meaning that the removal period was under two months. It reflected that he should first have been given a written warning. Further regulatory matters came to light after his restoration to the register, resulting in a written warning to Mr AB. The DVSA, in its calculation of remedy, refused to pay Mr AB's accountancy and legal fees. Its offer of compensation was based on Mr AB's accountant's calculation of lost income for the two months when he could not trade.

ICA outcome: The ICA agreed with Mr AB that the (of necessity) sequential nature of his training programmes meant that his revenue could not be switched back on overnight by the reinstatement of his company. The ICA therefore adopted a different approach to compensation to that of the DVSA, to take account of the need to rebuild the customer base and make good reputational damage. This brought about a higher compensation offer. The ICA also recommended a higher consolatory payment within the Ombudsman's level 3. The ICA empathised with the impact of events on Mr AB and acknowledged his feeling that the registrar was biased against him. But Mr AB's complaints in this regard were not in the scope of the ICA scheme but rather were for the DVSA to consider confidentially as a complaint against an employee. The ICA noted that Mr AB's defence against the disciplinary case had done him no favours. This was because Mr AB seemed to attribute his problems to third parties rather than to his own conduct and commitment to keeping to the rules. The ICA agreed with the DVSA that the high threshold to pay professional fees was not met. The ICA also recommended that the DVSA find ways to assist Mr AB in rebuilding confidence in regulatory oversight by the registrar, and he suggested steps that Mr AB himself could take to further this. He partially upheld the complaint.

F. Vehicle standards (MOTs and Market Surveillance Unit/MSU, formerly Vehicle Safety Branch)

Incorrect MOT record finally put right

Complaint: Mr AB had bought a classic car and noted that the odometer reading in an MOT nearly 20 years ago (the first one on record for the car) registered a six-digit mileage. This was greatly more than the mileage recorded in successive years. The same MOT also recorded an advisory in relation to power steering fluid seepage. Mr AB asked the DVSA to correct the historic MOT record for three reasons. First, his car was not fitted with power steering and therefore the advisory could not be correct. Second, the odometer had only five digits meaning that the six-digit reading could not be accurate. And third, the six-digit reading was completely out of kilter with those that followed, reflecting incremental low usage over two decades.

Agency response: The DVSA repeatedly refused to change the record, explaining that the garage undertaking the test had 28 days to do so, after which it fell to the Agency. However, only limited supporting evidence was admissible. At ICA stage, after further consideration, the DVSA agreed to void the mileage and remove the advisory.

ICA outcome: The ICA had reminded the DVSA of the PHSO guidance that balance of probabilities decisions should be made when considering different constructions of events. The ICA found it overwhelmingly likely that the old MOT record reflected an error on the part of the garage. He could not see that power steering and a six-digit odometer would have been fitted, and then un-fitted. He was delighted that, after further consideration, the DVSA accepted his reasoning and agreed to amend the record. This had taken far too long, for which reason the ICA partially upheld the complaint.

Questionable claim for revision of MOT record

Complaint: Mr AB complained that the DVSA unreasonably refused to reduce the mileage recorded on an MOT three years earlier, despite his provision of receipt from a garage that had undertaken a service immediately after the MOT. The service invoice showed a mileage some 135,000 miles less than the MOT receipt.

Agency response: The DVSA had reservations about Mr AB's case. There were anomalies in his accounts of his ownership of the vehicle, not least the fact that there had been no MOT in the years following the one in contention (Mr AB claimed that he thought they were required every three years). There were other unexplained inconsistencies in his account. The DVSA stated that Mr AB needed proof of the emissions readings from the MOT station on the day of the test before it could consider the application further. It refused to amend the mileage.

ICA outcome: The ICA was content that the DVSA had used its discretion appropriately in considering the rather unusual and inconsistent version of events provided by Mr AB. His was not a convincing case for an amendment of the DVSA's records. The ICA did not uphold the complaint.

The DVSA come knocking

Complaint: Mr AB complained about the behaviour of DVSA staff who had twice visited his home. They had not only knocked at the front door, but on both occasions also knocked at a side door and then went further onto the property. Mr AB is a transport manager for a bus company, amongst other roles. He had received a maintenance investigation visit report (MIVR) for the bus operator, but no explanation why DVSA needed to speak to him with such urgency. Mr AB said he was not aware that his home address was listed as a work location.

Agency response: The DVSA said its staff had visited Mr AB's home as part of an investigation to establish the details of his role as transport manager. They had attended the operator's premises, where Mr AB's whereabouts had not been known, and also those of a second operator he represented, where it was thought he might be on holiday. His home address was listed on the vehicle operator licensing (VOL) system and the DVSA said it was standard practice to attend a listed address as part of an investigation. The Agency conceded that the examiners could perhaps have been more considerate but did not accept there had been any harassment or trespass.

ICA outcome: The ICA found that there had been some unnecessarily intrusive behaviour on the visits to Mr AB's home, and inaccuracies and delays in the complaint correspondence. He suggested that part of the problem had been that the enforcement side of DVSA have essentially been 'marking their own homework'. No one at the centre of the organisation seemed to have taken an informed view on whether it all stacked up. The ICA partially upheld the complaint and recommended a consolatory payment of £200.

Poor handling of correspondence regarding un-MOT'd vehicle

Complaint: Mr AB complained that the DVSA had not responded appropriately to his correspondence about an un-MOT'd vehicle that had been subject to no enforcement. He accepted that enforcement was a matter for the police but criticised the information on gov.uk and the DVSA's handling of his correspondence.

Agency response: The DVSA had channelled the correspondence (Mr AB had written to the chief executive enclosing his previous exchange with the chief constable of the police force concerned) through its complaints procedure. At both stages 1 and 2, it had simply said that enforcement was a matter for the police (which is the position set out on gov.uk).

ICA outcome: The ICA upheld the complaint in part but felt there were no recommendations he needed to make. Sufficient redress was provided by the findings of his independent report. He said the DVSA had mishandled the correspondence from Mr AB by channelling it through the complaints procedure. He had not made a complaint at that stage but simply invited the DVSA to comment. The DVSA might well have said that it could not have commented on a matter of police priorities (and the correspondence might or might not have continued). But Mr AB was right to say that the DVSA had not addressed the issue he had raised. He had never questioned that enforcement of non-MOT'd cars on the public highway was a matter for the police. (It appeared that in this particular police force area there was effectively no enforcement for vehicles without a MoT if they were parked and not being used.)

Request for safety recall

Complaint: Ms AB complained that the DVSA would not intervene with her dealership or the manufacturer in respect of her vehicle that suffered heavy oil loss and which she said presented a safety risk. She wanted the DVSA to issue a safety recall notice, but the Agency said the evidence for such a notice was not present.

Agency response: The DVSA had explained its policy on safety recalls and why Ms AB's circumstances did not meet the criteria.

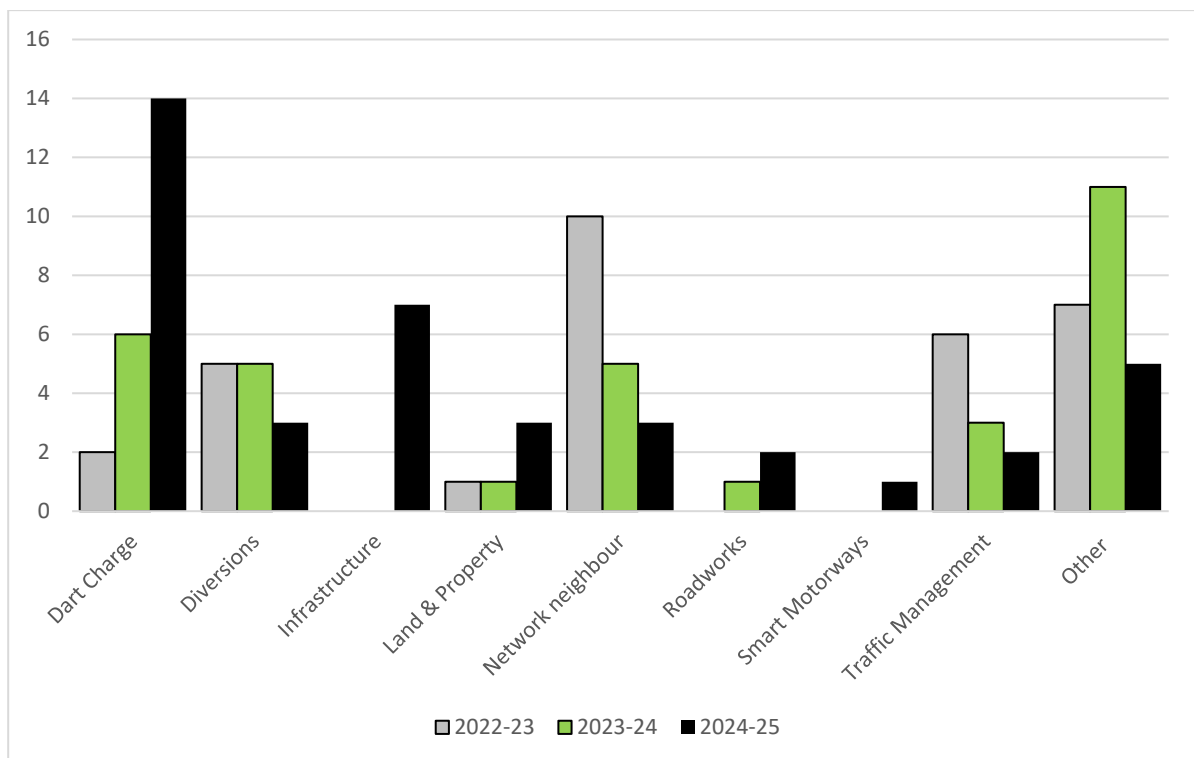
ICA outcome: The ICA said this was a matter of regulation, policy, and professional judgement on which he could not adjudicate.

4: National Highways casework

Incoming cases

- 4.1 We received 40 complaints from National Highways compared with 32 cases in 2023-24.
- 4.2 National Highways shared with us that the rate of escalation from stage 1 to stage 2 of the internal complaints process has decreased to its lowest level in 4 years. They ended the year with only 2.2% cases escalating.
- 4.3 Amongst the topics raised were issues relating to the Dart Charge, the impact of traffic diversions and large infrastructure projects, signage, speed limits and traffic management.
- 4.4 Figure 4.1 charts incoming cases over the last three years against the most frequent complaint subjects. The most obvious development this year is the increase in Dart Charge complaints, albeit we have seen fewer complaints at the ICA stage than might have been anticipated from media coverage.

Figure 4.1: Incoming National Highways cases, 2022–2025



Cases we completed

- 4.5 To some extent we upheld 15 of the 27 National Highways cases completed in the year (55 per cent, the highest proportion of upholds per public body by some margin - Table 1.3 refers).
- 4.6 The quality of National Highways' complaint handling varies very widely. In the cases below, we highlight some exemplary work involving the company and those affected by major road improvement schemes. We also draw attention to very poor service, with complainants' correspondence ignored or questions not answered.
- 4.7 National Highways have committed to work with the ICAs to ensure continued improvements to their services and to improve the quality and timeliness of their responses to customer contacts.

Selected Cases

A. Complaints about Dart Charge

Good handling of complaint following mistaken enforcement

Complaint: Mr AB made two Dartford crossings in a hired car and, the following day, paid the requisite charge (£5). Unfortunately, in error he mis-entered one digit of the registration meaning that the payment was logged against a non-existent vehicle. Dart Charge issued a penalty notice charge (PCN) to the hire company who in turn passed it on to Mr AB, along with a £70 handling fee (£35 for each enforcement). Mr AB established from Dart Charge what had happened, and Dart Charge reduced the PCN charges to £5 in recognition of a genuine error. Mr AB complained that Dart Charge would not quash the original PCN, meaning that the only ground that the hire company would accept to remove the £70 handling fee did not apply.

National Highways response: Dart Charge had immediately reduced the two penalty charge notices (PCNs) it had issued to the equivalent of the crossing fee while issuing a formal Notice of Rejection on Mr AB's appeal, as the PCNs had been correctly levied. Mr AB chose not to go to the Adjudicator, and failed in persuading Dart Charge to formally cancel the PCNs. Mr AB pursued his complaint on the basis that Dart Charge had given inconsistent explanations of its position, and that charging the original crossing fee amounted to a quashing of the enforcements.

ICA outcome: The ICA was sympathetic but could not uphold the complaint. He commended Dart Charge for swiftly reducing the PCNs and was satisfied that the option of quashing the enforcement had been fairly considered. As there had been no maladministration in levying the PCNs, the ICA had no basis on which to make any

recommendation. The ICA commended Dart Charge and National Highways for good quality, sympathetic complaint handling. He did not uphold the complaint.

Mis-keyed registration

Complaint: Mr AB paid £5 in advance for two Dart Charge crossings. However, he mis-keyed his registration, in error typing a capital 'i' rather than the digit 1. This had the effect of logging the payment to a new account and PCNs were issued to Mr AB. Dart Charge agreed to settle both crossings at £5, and to refund the £5 logged against the non-existent vehicle. However, delays set in, and the customer service was poor. Mr AB elaborated on his complaint through the medium of a customer experience survey which was not picked up by the complaints team. Meanwhile the refund was delayed, intensifying Mr AB's dissatisfaction.

National Highways response: The Divisional Director eventually addressed all complaint points in a 12-page emailed response at the second stage. It quoted from Mr AB's correspondence on 28 separate occasions. However, he remained dissatisfied.

ICA outcome: The ICA was very happy with the Divisional Director's email. He kept in mind that it had likely been an error by Mr AB that had created the sequence of problems. However, he acknowledged Mr AB's contention to the contrary. The ICA put forward the outcome of his further enquiries with Dart Charge, explaining why he was broadly satisfied with the stage 2 response. Given the minor shortfalls, he partially upheld the complaint but did not think it was necessary to make a recommendation.

Protracted dispute over enforcement matter

Complaint: Mr AB was unable to make a payment for a Dart Crossing in late 2022 within the initial payment window. A penalty charge notice (PCN) was issued, and enforcement documents were served without Mr AB being aware of them as he was away from home. Once Mr AB presented a challenge in Spring 2024 this was promptly accepted. Mr AB had sought to settle the original charge, but his payment was misallocated. This led to the enforcement process beginning again. Unfortunately, there were lengthy delays in any response being given to his repeated emails to customer service and it was not until he made a formal complaint that a correction was made.

National Highways response: National Highways said the enforcement process had been stopped and explanations for what had happened were provided.

ICA outcome: The ICA judged that Mr AB was due financial redress for service failings including undue delay and poor communication. The ICA noted that Mr AB had received no apology; nor had there been any recognition of any National Highways failing. The ICA recommended a consolatory payment of £250; that National Highways should make clear in their published complaint process that supplementary responses may be made at stages

1 and 2 prior to escalation; and that National Highways clarify that it is the company's policy that enforcement documents will always be served by post, given that this is not an unequivocal legal requirement.

Unpaid charges of £5 escalate to debt of nearly £500

Complaint: Ms AB complained in relation to unpaid fees for the Dart Crossing. She argued that, when she paid for ten more unpaid crossings (at the time when National Highways changed supplier and she like other customers found their accounts did not work), this had paid off two previous charges that had gone to debt collectors. She had eventually paid everything that was owed but sought repayment.

National Highways response: National Highways had listened to calls made by Ms AB. It said at no point was she advised that previous unpaid charges were now paid off. It said the escalated charges were in line with its policy and procedures in relation to Dart Charge.

ICA outcome: The ICA said he had little doubt that Ms AB had not intended charges totalling £5 to escalate to nearly £600. But she had had the opportunity to pay the £5 and for whatever reason had not done so. Thus, while he sympathised with Ms AB, there was no evidence of maladministration, and the ICA could not uphold her complaint.

Lengthy complaint about £3

Complaint: Mr AB hired a van and made multiple crossings at Dartford. He paid for three crossings in one go but one of these crossings was half an hour late. A PCN was issued to the hire company 70 days later. Three months after this, a PCN was finally sent to Mr AB who challenged it. The challenge was rejected leaving Mr A with a £3 charge to pay. Mr AB claimed he had already paid the £3 (albeit half an hour late). This £3 had been credited to the hire vehicle for future crossings not to Mr AB's Dart Charge account. Dart Charge said he must pay the £3 charge and then claim the other £3 back. After a string of poor customer service, Mr A submitted a complaint.

National Highways response: National Highways acknowledged that Dart Charge's responses during the complaints process did not address the issues raised in the complaint. The company refunded the £3.

ICA outcome: The ICA felt that Dart Charge's customer service and complaint handling had been poor and resulted in lengthy delays and extensive input from Mr AB being required. In recognition, a consolatory payment of £100 was recommended.

Closure of *Pay as You Go* account

Complaint: Mr AB was unaware that his Dart Charge Pay as You Go (PaYG) account was invalid after two payments had failed. He ran up escalated penalty charges and was visited

by bailiffs, eventually paying over £700. He complained that he had never been told that the account had been closed.

National Highways response: National Highways explained that the second unsuccessful payment had caused the account to be closed, and that Mr AB had been told about the failed payments. As manual payments were not received, PCNs were issued and escalations followed. The legislative requirements had been correctly followed, and Dart Charge/National Highways would not refund Mr AB the escalated enforcement charges. Dart Charge pointed out that Mr AB had been aware of the enforcement, even though he said he had moved house, because he had responded to some of that correspondence. Dart Charge/National Highways advised Mr AB of his right of appeal to the Traffic Enforcement Centre.

ICA outcome: The ICA was sceptical about aspects of Mr AB's case. He had been aware of the escalations, and had been subject to PCNs in the past, and so should have understood what would happen if the matter was not resolved through the normal process. However, the ICA was also concerned by the lack of reference to Mr AB's main complaint - his statement that he was unaware that his PaYG account had been closed - during the complaints process. At the ICA stage, National Highways produced a letter that it said put Mr AB on notice of this, but the ICA did not judge that the wording was sufficiently clear. The ICA therefore recommended a consolatory payment of £250 and recommended that Dart Charge should satisfy itself that its mechanism for informing customers of the closure of their PaYG accounts was robust and working effectively, and that records of it were retrievable.

Mistaken enforcement

Complaint: Mr AB was wrongly issued with a penalty charge notice for failure to pay the Dartford Crossing toll. The ANPR cameras had apparently misread the number plate of another car with a similar registration plate. Because Mr AB had changed address without informing the DVLA, the PCN did not reach him. Debt collectors were subsequently instructed and tracked him to his new address. The PCN was cancelled when the mistaken vehicle identity was discovered but Mr AB requested compensation for the distress suffered due to the involvement of debt collectors and the associated court notice.

National Highways response: National Highways rejected the compensation request on the grounds that the original PCN had been correctly sent to the address on record at the DVLA, and that they had cancelled it immediately as soon as they had become aware of the error.

ICA outcome: Mr AB's complaint was partly upheld. The ICA noted that the involvement of debt collectors and the courts was due to Mr AB's failure to inform the DVLA of his change of address. However, there were also clear and obvious errors in the issuing of the PCN to Mr AB in the first place. The vehicle in the PCN photograph was of an entirely

different type to Mr AB's and the (correct) registration number was in fact clearly visible. The ICA recommended a consolatory payment of £25 in recognition of the inconvenience which Mr AB would have suffered had he received the PCN when it was issued (which he would have done if he had notified DVLA of his change of address in a timely manner).

Car rental company settles PCNs

Complaint: Mr AB's issues with National Highways began following enforcement action in relation to two Dartford crossings in 2023. Mr AB made a payment of £5 but did so outside the requirement for fees to be paid by midnight on the day after a crossing. Mr AB had been travelling in a hired vehicle and the rental company settled the PCNs which were issued in respect of his crossings. He subsequently unsuccessfully sought to dispute those charges and was dissatisfied with National Highway's replies.

National Highways response: Dart Charge said that since the PCNs had been settled, Mr AB would need to take the matter up with the rental firm. In answering the complaint, National Highways said PCNs provided information on how challenges to them might be brought, including the ability to go to the Traffic Penalty Tribunal. However, these options were not available after the PCNs had been settled. The company said that they were obliged to issue PCNs to registered keepers and could only transfer liability if sufficient documentation was received. It was a matter of discretion as to whether particular hire companies chose to settle PCNs themselves or sought a transfer: this was not something National Highways could control.

ICA outcome: The ICA judged that the PCNs had been properly issued, and normal procedures followed. But there had been some poor correspondence handling, delays and a failure to adhere fully to the published complaints process, that together justified a partial uphold and a consolatory payment of £100.

Poor handling of customer claiming exemption from the Dart Charge

Complaint: Mr AB registered his car with the DVLA as exempt from payment of vehicle tax as his wife is disabled. The vehicle should automatically have been exempted from payment of the Dart Charge. Mr AB emailed Dart Charge to check if it was indeed exempt and received an automated response. However, he was charged for crossing the Thames on three occasions. Mr AB emailed Dart Charge repeatedly and received no response or advice on how to apply for refunds. He complained to National Highways that it was disability discrimination for the charge to be levied after exemption. Dart Charge blamed the DVLA who only updated their automated systems at the start of every month (this did not explain a charge levied a month after the exemption).

National Highways response: Dart Charge attempted to close down Mr AB's email requests with no investigation, simply saying it took the DVLA time to update their systems. Once National Highways was involved, the stage 1 response gave a little more

detail but there was no attempt to involve the DVLA in a joined-up manner. Furthermore, there was no attempt to address the issue of disability discrimination. Stage 2 of National Highways' response was essentially to refer to step 1. Mr AB was offered £20 for poor service as it had taken six months for him to be refunded £6 for the three crossings taken after the exemption was claimed.

ICA outcome: The ICA found that the complaints handling had been very poor throughout. Dart Charge did not respond to emails and attempted on two occasions to close the file without offering refunds. Stage 2 of National Highways' response was a missed opportunity to rectify matters but did no more than point to what had been said at stage 1. There was no information from either Dart Charge or the DVLA about any delay in updating systems for disabled exemptions to take effect. Nor had there been any consideration of potential indirect discrimination engaging the Equality Act. The ICA recommended increasing the consolatory payment for poor service from £20 to £250.

B. Complaints about diversions

Poor response to driver inconvenienced by slip road closure

Complaint: Mr AB had been driving west on the M4 late at night and had intended to take the M5 northbound. The exit was closed and no diversion was apparently in place. He asked National Highways for an apology.

National Highways response: National Highways replied that, although due for closure on the night in question, the slip road had in fact remained open as the planned roadworks had been cancelled owing to bad weather. Diversionary signs had also been in place, although they were not in the event required.

ICA outcome: Mr AB's complaint was partly upheld. The ICA noted that National Highways' investigation had focused on the M4 eastbound/M5 northbound slip road, which was not the one which Mr AB had intended to take. The M4 westbound/M5 northbound slip road (Mr AB's planned route) had indeed been closed, as stated by Mr AB. The ICA recommended that National Highways apologise to Mr AB for failing to investigate his complaint with sufficient rigour.

No compensation for impact of motorway diversions on neighbouring property

Complaint: Mr and Mrs AB complained about the impact on their property of higher volumes of traffic caused by diversions resulting from the M6 J21a/26 upgrade scheme. They said that frequent night closures of the motorway had resulted in damage to the paintwork of their house and cracks in walls.

National Highways response: National Highways explained that there was no alternative route for the diversions. National Highways said they could pay for hotel accommodation

on relevant nights but maintained they could not offer financial compensation for the impact of diversions.

ICA outcome: The ICA was clear that they could not tell National Highways to change their clear policy on compensation. The ICA did not uphold the complaint but said it might be that Mr and Mrs AB could make an application under the Land Compensation Act, to which National Highways would need to give a reasoned response.

Driver sent on unnecessary detour

Complaint: Ms AB complained that arrangements put in place to ensure that hotel residents were escorted through roadworks back to their hotel had not been implemented. As a result, she had been sent miles away on a useless detour late at night and 300 miles from home. She said the operative with whom she spoke had said he knew nothing about any escort arrangements.

National Highways response: National Highways had accepted that the intended arrangements had broken down. But it said it could offer no compensation for the costs of the detour.

ICA outcome: The ICA said he was very disappointed that the matter had escalated for ICA review. The issue was not payment for the detour but the appropriate redress for a failure in customer service (which internal emails showed had been recognised by some staff until the point was lost). He was also very surprised that the traffic management contractor appeared to fail to take responsibility on the grounds that the specific employee (who could be a further sub-contractor) could not be identified. The ICA said this was the tail wagging the dog. He fully upheld the complaint. The ICA recommended a consolatory payment of £250 (to include an element reflecting the additional inconvenience of the ICA review and that National Highways should consider new advice to Regional Directors on the grounds for making consolatory payments. National Highways accepted both recommendations and the view that the matter should have been settled internally.

C. Infrastructure

Delays in major projects

Complaint: Mr AB complained about social, personal and economic damage created by delays in National Highways completing major infrastructure projects in the vicinity of Hull. This included the M62 Ouse Bridge repair, the closing date for which had been repeatedly pushed back as the full extent of the necessary repairs revealed themselves. Mr AB compared National Highways' performance unfavourably with that of other bodies in overseas jurisdictions undertaking infrastructure work. He did not believe that the company was managing its contractors effectively or was competent to deliver.

Meanwhile, during the life of the complaint, further delays to the resumption of full and normal service over the bridge were announced.

National Highways response: National Highways responded at its first stage with an account of the complexities that initial work on the schemes had revealed. This had included acquiring additional ground (in the event, a burial ground) and diverting utilities. Poor ground conditions had also confounded the best efforts of the company to forecast accurately. Meanwhile, it had decided to bring forward a comprehensive repair to the M62 Ouse Bridge given further areas of compromised structure revealed by the initial work. Modular joints would make maintenance of the bridge much more straightforward in future, with fewer disruptions. After ICA referral, Mr AB made further complaints when the schedule for bridge completion was pushed back again. He challenged National Highways management to engage with him, and to explain its serial failures. The regional director who had responded at stage 2 had a long and respectful conversation with Mr AB about delays in changing timelines, the cost of the scheme, economic impacts, scheme management, and accountability. Mr AB remained unimpressed but thanked National Highways for the further engagement.

ICA outcome: The ICA emphasised from the outset that it was for other organisations/bodies (including the Office of Road and Rail – ORR) to monitor National Highways' overall performance against its road investment strategy 2020-25 (RIS2) targets. The ICA was content that National Highways was accountable for its infrastructure work and confined his comments to its customer service. The ICA was generally content with the content and timeliness of the two written complaint responses. He welcomed the company's willingness to engage in the interval between ICA referral and report completion. The ICA emphasised that the presumption should always be to answer customer questions and challenges unless they were fully exhausted through the complaints procedure. His only minor criticism was that records had not included all the conversations and communications with Mr AB that had occurred during National Highways' handling of the complaint.

Over-optimistic estimates of project completion

Complaint: Mr AB complained in relation to motorway repairs. He said that lighting had not been replaced long after the principal repairs had been completed. He also criticised the content of National Highways' responses and delays.

National Highways response: The company had repeatedly given assurances about the completion of the works that had not been met. Indeed, the company told the ICA that it might be many months more before they were complete as the existing lighting was now no longer produced.

ICA outcome: The ICA said this was not National Highways' finest hour. Although the company was not responsible for stock shortages and labour difficulties encountered by its

sub-contractors, it seemed unaware of these problems in repeatedly giving completion dates to Mr AB that were too optimistic and possibly impossible to achieve. The ICA recommended that Mr AB receive an apology. However, he said he did not warm to Mr AB's claim that he had been lied to. The file showed a great deal of time had gone into providing accurate reports, but these had been found wanting.

D. Land and property

Exemplary handling in the case of a householder affected by infrastructure project #1

Complaint: Mr AB lived very close to a major infrastructure project intended to relieve congestion on the road network. He had purchased his home after the statutory consultation process preceding the development control order (DCO) for the scheme. He had been in liaison with the contractor delivering the scheme for some time before formalising his complaint that the re-designed road and kerb outside his home made it very difficult for him to reverse his car into the drive. He would not accept the contractor's account that the work outside his home met the DCO and other design standards.

National Highways response: The contractor had repeatedly undertaken site visits to understand Mr AB's concerns. When it became obvious that the contractor could not resolve matters, the matter was escalated to National Highways. Around this time, a multidisciplinary meeting looked at the access problem and the DCO and design and risk assessments were commissioned. Meanwhile Mr AB was kept updated by the bypass project team. A solution was devised whereby the kerb line was moved to allow more vehicle space. Mr AB's challenges about the adequacy of the road width were fully addressed with reference to the relevant design standards, and efforts were made to avoid knock-on nuisance created by adjustments to the kerb. Mr AB was informed of the option of making a Part 1 claim for compensation (under the Land Compensation Act 1973) and the project manager for the bypass scheme maintained high visibility and availability throughout the episode. At the second stage of the complaints procedure, the regional delivery director (who had spoken to Mr AB within his own investigation of the problem) outlined the outcome and provided assurance that earlier responses had been appropriate.

ICA outcome: The ICA was very pleased to note that all the measures that an ICA might wish to see implemented in the context of a distressed resident living in the epicentre of a major infrastructure project had been made available throughout the prolonged period of engagement between Mr AB, the contractor and National Highways. He commended National Highways' project manager for his meticulous documentation and very responsive and constructive approach. The regional delivery director had also conducted a proper investigation, informed by information he had obtained personally from Mr AB, the contractor, and his National Highways colleagues in the relevant disciplines. While the ICA's natural sympathies resided with anyone in the pathway of a major infrastructure project, he regarded National Highways' involvement as exemplary and commended the staff involved. He did not uphold the complaint.

Exemplary handling in the case of a householder affected by infrastructure project #2

Complaint: Mrs AB lived very close to a major bypass scheme and had been engaged with National Highways and its contractor since the development control order had been granted, and construction had begun, some four years previously. Her complaints related to the end of the construction phase and concerned the height and position of a new road sign (obscuring the view from her house and garden), lighting that was out of keeping and floodlighting her property, work on her garden wall, the size of the pedestrian area on a nearby crossing, and devaluation to her property.

National Highways response: There had been numerous site visits during the busy construction phase and the project manager for the scheme picked up the baton when the complaint was referred to National Highways. Detailed responses were provided at both stages of the complaints procedure. National Highways was able to resolve the matter of the garden wall. The regional delivery director liaised with Ms AB at step 2 and conducted his own investigation. The signage and lighting met the requisite design standards. National Highways explained the rationale behind the timing of its surveys.

ICA outcome: The ICA was content that the contractor and National Highways had met the ambitious standards provided in its Customer Service Plan. While the outcome of the investigation into the signage and lighting was not welcome, the position was clearly referenced to the requisite standards and efforts were made to reduce the adverse impact. The ICA acknowledged Ms AB's account of the whole project being horrendous for her and her family, with negative effects on mental health and well-being. He very much regretted this but could not see that National Highways could have done more to mitigate the impact. The service had been responsive, informative, and – within boundaries that the ICA could not call into question – constructive. He did not uphold the complaint.

Another example of good care and support for householder

Complaint: Mr AB lived near an A road that was subject to an improvement scheme. This involved the replacement of a footbridge near his home. Mr AB complained over several years about the level of consultation, communications, the competence of the construction staff, damage to his property caused by flooding and vibration, and about many other aspects of the construction phase. The new footbridge did not, he argued, resemble that approved in the DCO, and was a complete monstrosity. Mr AB pointed to damage to his property that he attributed to National Highways' work, including window displacement, increased water levels and vibration, and damage to external features. He complained that National Highways commissioned a survey into his property (and others in his community) but then refused to fully disclose the report (instead, allowing him supervised access to the document at a consultation meeting).

National Highways response: National Highways felt that it had more than met its 10-day correspondence target on many occasions in its dealings with Mr AB. Responses had often been immediate. It had also assisted him in his dealings with the water company. National Highways had visited Mr AB on many occasions to talk about the laydown area near his property, the likelihood of disruption caused by planned works, water damage, and other points of contention. It refused to disclose the survey report to Mr AB as it did not feel it adequately addressed the key matter of whether deficits in his property could reasonably be attributed to the scheme. The company advised him to provide details of his insurer and said it would provide the report to the insurer. Mr AB insisted that he did not have an insurer, and a deadlock set in. (So far as the initial consultation was concerned - that Mr AB said had not been properly publicised - National Highways said this had been organised by the Planning Inspectorate.)

ICA outcome: The ICA was satisfied that most of Mr AB's complaint was directed to unavoidable nuisance arising from a properly DCO-approved infrastructure project that he had the bad luck to live next door to. This was not the same as a failing in customer service. The ICA found ample evidence of attentive and responsive service from National Highways and its contractor. He shared National Highways' reservations about the survey report that cited Mr AB's account of damage, but asked National Highways to disclose the report to Mr AB along with any reservations the company might have about it. (Pleasingly, National Highways agreed.) The ICA asked a range of questions of National Highways to clarify its position on Mr AB's outstanding concerns (there had been many more complaints raised in the time that the case awaited review). While the ICA was sympathetic to the experience of Mr AB and his family during the construction phase, he was satisfied that sufficient efforts had been taken by the contractor and National Highways to address ongoing concerns, and keep Mr AB informed of developments. He did not therefore uphold the complaint.

Drainage problem of uncertain cause

Complaint: Mrs AB lived near a trunk road that was subject to a major upgrade by National Highways. Also nearby was a new road installed by National Highways as part of the scheme to improve transport connectivity in the area. Shortly after work began, water started ponding in a depression in the land between Mrs AB's home and the trunk road. This was followed by water buildups in the drive and vicinity of Mrs AB's home, and that of her neighbours, some of whom were vulnerable older people. Mrs AB's complaint encompassed several years of liaison with National Highways and its contractor about the drainage problem. Mrs AB was clear that there had been no problem before the scheme. She pressed the company to bring in an independent hydrogeologist to get to the bottom of this phenomenon so it could be resolved definitively.

National Highways response: National Highways and staff from the contractor visited the location repeatedly to try to establish the cause of the ponding. There were many meetings on site with Mrs AB and her neighbours. However, an explanation for the

problem could not be found even when drainage experts were involved. National Highways noted that work in the vicinity had concluded well over a year before the ponding had started. The nearby road had been taken over by the county council (also the flooding authority). The water company and the landowner (Network Rail) were also involved. National Highways organised pump-outs, but the ponding always came back, and Mrs AB and her neighbours' properties were again affected. National Highways acknowledged and apologised for several occasions where staff had not responded to Mrs AB, and for delays in its progression of the case through the complaints procedure.

ICA outcome: The ICA was broadly content with the customer service that Mrs AB had received, noting many examples of sympathetic and informative responses. However, after the scheme had ended and staff moved on, the customer service became more piecemeal, and Mrs AB had needed to push to escalate her concerns. The ICA was critical of this but regarded the root cause of the problem as likely multifactorial and hydrogeological, complicated by the involvement of several agencies. The ICA noted that the other agencies were very happy for National Highways to be held responsible, but the causal links were far from clear. The ICA partially upheld the complaint on the basis that there had been several long lapses where Mrs AB had had to chase the company. He recommended that National Highways set out a clear and responsive mechanism for communication with her going forward. He also recommended that National Highways consider taking Mrs AB's advice and commissioning independent experts to get to the bottom of the problem.

E. Other National Highways cases

Investigation into traffic officer conduct

Complaint: Mr AB complained that a traffic officer in a supermarket car park had not stopped on a zebra crossing and had nearly run him over. The officer then refused to give his name and drove off. Mr AB provided pictures. He demanded an apology from the traffic officer.

National Highways response: A line manager investigation was implemented without delay. While the zebra crossing was not a full crossing (it had been painted on the road by the landowner to indicate to pedestrians where they should cross), the line manager considered that the traffic officer should have stopped. However, CCTV footage supported the traffic officer's account that Mr AB had not been on or near the crossing at the point that he had walked into the road. The company's initial response was to ring Mr AB and tell him that the matter had been dealt with. Although he remained unhappy, and continued to press for an apology, nothing then happened until he pushed much harder. Approaching three months after the incident, a fresh investigation considering CCTV footage, dash cam and other evidence occurred. This again exonerated the traffic officer but included a recommendation that traffic officers inform members of the public of the option of complaining to the customer contact centre.

ICA outcome: The ICA was happy with both investigations (although he was not sure why the second one had been necessary). Unfortunately, at the first stage, Mr AB was given no information other than that the matter had been dealt with. This fell short of the PHSO's UK Government Complaints Standards Framework. The ICA also felt that the investigating managers should have spoken to Mr AB, whose account of the interaction was not fully represented in the available material. However, the ICA was satisfied that the conclusions were based on solid evidence. He partially upheld the complaint given the delays and the lack of involvement of Mr AB in the investigation. He recommended that National Highways should apologise to Mr AB.

Broken down vehicle subject to parking fee

Complaint: Mr AB complained that National Highways' contractor had removed his broken-down vehicle to a motorway service station where he had subsequently incurred a parking fee for overstaying. He wanted this paid by National Highways. Mr AB said he had not been given an information leaflet or advised to speak to the staff employed by the services.

National Highways response: National Highways had spoken to the breakdown driver, and he had said that he had given Mr AB the leaflet and advice. National Highways also pointed to the signage in place. It had further explained why it used the services in question while upgrading the carriageway to a Smart Motorway.

ICA outcome: The ICA could not say whether Mr AB was given the leaflet and advice. It was clear that ample signage was in place, but it would be understandable if Mr AB had not taken any notice of it given the circumstances. The ICA was surprised that the services and its parking contractor had not waived the penalty against Mr AB, and the ICA said Mr AB should feel free to share his report with them both. However, this did not mean that National Highways should pick up the costs. The ICA considered the wording of the leaflet used at the time and considered it to be helpful. However, a subsequent revision had removed the reference to parking fees and carelessly repeated some text instead. He recommended that it be further revised - a recommendation that National Highways accepted.

Increased speed limit affects householder on busy road

Complaint: Mr AB and his young family live just a couple of yards away from a busy A road. He complained after discovering that National Highways had increased the speed limit from 30mph to 40mph without apparent consultation. He demanded to see the risk assessment that he assumed had been carried out and which he felt would include evidence of the safety impact given, what he believed as, the inevitability of drivers exceeding the new limit. He also asked how National Highways proposed to make good

the additional noise and disruption created by the faster traffic that he felt would reduce the value of this property.

National Highways response: National Highways explained how it had informed the community of the change, and that the new 40mph limit was more in line with the road's layout and surroundings. It referred Mr AB details of its 'safety review' whereby a gap analysis had identified that the 30mph limit didn't match the national guidance and may not have been legally appropriate. National Highways also rang Mr AB to talk him through the position and at its second stage response provided considerable detail about the extent of the prior consultation and monitoring.

ICA outcome: The ICA felt that Mr AB's complaint was directed to the company's legitimate exercise of its powers, and that this had been fully explained with reference to the relevant guidance (DfT Circular 01/2013 Setting Local Speed Limits). The way that the decision to set the new speed limit had been made and publicised was fully explained. The ICA's slight reservation was that National Highways had not explained sooner that there had been no safety risk assessment, and did not need to be one, meaning that Mr AB had kept asking for something that did not exist. This was not sufficient to uphold the complaint, particularly given the company's generous provision of information. This included details of how to lodge a Part 1 claim for a reduction to property value caused by the change.

Allegation of unsafe signage

Complaint: Mr AB complained that his reports of unsafe assets on National Highways' network were habitually dismissed. On this occasion, he was unhappy that diversion signage was not sufficiently secured.

National Highways response: A fortnight after Mr AB's report, an inspector looked at the signage, concluding that it met the requisite standards (chapter 8 of the Traffic Signs Manual). Mr AB was informed of this, and the fact that the signs were being collected as the works were complete. Other nearby signs were being monitored. A fortnight later, the regional director concluded the complaints procedure with the information that the sign had been removed as it was no longer needed.

ICA outcome: The ICA could not substitute his own opinion for that of National Highways' inspector. He was satisfied that the sign was properly looked at, and that National Highways exceeded the scope of the complaint to ensure that signage installed by a different company was also safe. He did not uphold the complaint.

Misleading motorway signage

Complaint: Mr AB frequently complained about what he said was misleading variable speed limit signage on sections of the motorway network. In particular, he was unhappy that variable speed limits (VSLs) were contradicted by hard signage on the roadside. He was also critical of National Highways' failure to ring him back as promised, and of habitual delays in responses to his complaint.

National Highways response: Unfortunately, delays set in from the outset while National Highways decided how to answer Mr AB's latest complaint. At step 1 the Executive Director of Operations explained that the 60mph signs were responsive to road conditions. The lane closures highlighted by Mr AB had been necessary due to an HGV with brake failure. The Executive Director put Mr AB on notice that his conduct towards staff, and complaining behaviour could engage its unreasonable customer policy. He endorsed the Customer Contact Centre's handling. The Regional Director responded at stage 2. The company offered profuse apologies for the delays and explained that disparities between the speed limits displayed on the gantry and hard signage occasionally occurred given the spacing of roadworks. National Highways accepted that this was confusing and said they were working to achieve a continuous speed limit throughout the affected stretches. National Highways had not established any system faults on the day.

ICA outcome: The ICA criticised the handling of the complaint. The call back requested from the outset by Mr AB had not materialised. Instead, the second stage of the complaints procedure had been activated. The ICA did not think that this approach was consistent with the high standards of customer service promoted by the company. The ICA was happier about the directors' responses and referred Mr AB to the company's undertaking to handle such complaints smoothly and seamlessly in the future. He partially upheld the complaint.

5: Network Rail casework

5.1 We received 21 complaints against Network Rail compared with just 12 last year. The complaint areas in incoming cases are shown here:

- Vegetation 6
- Noise, nuisance 5
- Infrastructure: 3
- Graffiti: 2
- Tunnel closure 2
- Contractor conduct 1
- Land & property 1
- Drainage 1

5.2 Of the 19 cases we completed this year, three were upheld to some extent.

5.3 The framework for complaints involving the railways is complex. During the year, we have had discussions with Transport Focus and the Rail Ombudsman to ensure that all sides are clear as to their respective responsibilities. As ICAs, we are only responsible for assessing complaints made by Network Rail's lineside neighbours and for a small number of matters involving the 20 Network Rail managed stations.

5.4 It is worth noting that Network Rail are not under the oversight of the PHSO thus the ICA review is currently the last point of contact for complainants. How the complaints landscape changes when Great British Railways is established as the 'directing mind' bringing track and train together remains to be seen.

5.5 Themes arising from Network Rail casework include:

- a. Graffiti, noise and light pollution
- b. The behaviour of contractors
- c. Vegetation
- d. Good practice in holding site visits

Selected Cases

A. Graffiti

Shoddy overpainting of gang-related graffiti on railway bridge

Complaint: Mr AB complained about offensive graffiti linked to drug gangs on a railway bridge. He acknowledged that following his initial report the graffiti had been painted over quickly. But he criticised delays when further graffiti appeared and said the quality of

the overpainting was very poor. Mr AB also deemed the communications from Network Rail to have been abysmal.

Network Rail response: Network Rail said it shared the concerns about graffiti. However, overpainting required closures of both road and rail to be conducted safely. It said that now the work was completed there was no current plan to re-paint the bridge in its entirety.

ICA outcome: The ICA shared the concern about graffiti, much of which he said was a blot on the public realm - especially here as it was linked to local gangs and intended to be threatening and intimidatory. However, he did not share Mr AB's view that Network Rail's communications had been appalling - indeed, in his view they had been very good compared to most organisations in both the public and private sector. Nor was the ICA persuaded that there had been maladministrative delay. He could not second guess the judgements of Network Rail's engineers about the safe way of conducting the repairs. However, having seen before and after photographs, the ICA strongly agreed that the quality of the overpainting was very poor. This spoke to issues of contract management, and he recommended that a copy of his report be shared with the Regional Director for her consideration. No private individual would have paid for work that was so shoddy - and indeed the outcome could be considered to have been worse than the graffiti itself.

Customer upset by profusion of graffiti seen from railway carriage

Complaint: Mrs AB complained that graffiti visible from trains on and around an area of London was present in outrageous quantities, detracting from the local environment. She demanded that it be urgently removed, and suitable preventative measures put in place that would endanger potential perpetrators. As the correspondence developed, Mrs AB rubbished Network Rail's responses, characterising staff as blasé, patronising and incoherent.

Network Rail response: Network Rail explained its policy on the removal of graffiti. Racist, sexist or otherwise discriminatory graffiti would be prioritised. Otherwise, the company had to strike a balance between running a safe and reliable railway and keeping the lineside in good condition. It arranged a site meeting a fortnight after Mrs AB had complained and was able to remove a significant amount of graffiti accessible from the public highway in adjacent land (that did not require line closures). It undertook to explore options for removing other graffiti along the line when the railway was shut for maintenance, and was working with enforcement partners on preventative measures.

ICA outcome: The ICA saw little merit in Mrs AB's complaint. He found Network Rail's responses to have been timely, courteous and informative. The company had explained its policy while undertaking an inspection of affected areas soon after the complaint was made, and clearing what it could. The ICA noted Mrs AB's suggestion of a goodwill payment and suggested that she might raise this with an elected representative as he was

not in a position to implement a compensation scheme for people upset by what they see through the windows of public transport. He did not uphold the complaint.

B. Infrastructure

Complaint about inadequate fencing

Complaint: Mr AB's family's business adjoined Network Rail land in the proximity of a station. He complained that the family dog had got onto the track and been killed because of inadequate fencing. When Network Rail upgraded some of the fencing in the vicinity, Mr AB complained that the stretch along the edge of the platform remained inadequate. His family had had a long and successful relationship with Network Rail and Mr AB was very disappointed by its refusal to upgrade the fencing.

Network Rail response: Network Rail visited the site and upgraded some of the fencing two and a half months after Mr AB's report. Network Rail explained that the fencing down the side of the platform was boundary marking only. While it would not be the form of fencing that would be currently used, it was fit for purpose and was not scheduled to be upgraded in the foreseeable future. Resources were reserved for safety critical work.

ICA outcome: The ICA explained from the outset that he could not substitute his own opinion for decisions made by Network Rail in the allocation of its resources. In any event, its prioritisation of safety critical work was clearly justified. The ICA noted that at a couple of points in proceedings Mr AB had needed to chase Network Rail, and this was disappointing. However, he was satisfied that the repairs, insofar as they met the criteria, were effected reasonably promptly after Mr AB had reported the problem. The ICA did not uphold the complaint.

Light pollution from a footbridge

Complaint: Mrs AB complained about light pollution from a footbridge erected by Network Rail. She said that her village had a 'no lights' ethos. She was also dissatisfied that Network Rail said it would take up to six months to identify the best mitigation for the lights.

Network Rail response: Network Rail said the footbridge had been erected following an order on the part of the Secretary of State and the lights were necessary for reasons of safety. However, the company acknowledged that the light pollution was greater than anticipated and had set out four mitigation options to be determined over the coming six months. None of these options would include turning off the lights as Mrs AB wished.

ICA outcome: The ICA said he could not adjudicate upon the need for the footbridge (which Network Rail said was to replace an unsafe pedestrian crossing) or the case for lighting. However, installing lights for reasons of safety was not maladministrative. He was

also content that six months to consider options was also not maladministrative although he could understand the impatience of Mrs AB and fellow residents. The ICA was content that, administratively, Network Rail had handled the correspondence promptly, courteously and comprehensively. He did not uphold the complaint and could make no recommendations.

C. Land and Property

Alleged encroachment on Network Rail land

Complaint: Mr AB complained that Network Rail had allowed neighbours to encroach on land adjoining his garden. He further complained that Network Rail had failed to take effective action over the encroachments and had not kept him updated on its activities in this regard. This had been going on for 10 years with the neighbours working Network Rail's land with diggers, re-fencing it, and erecting structures on it.

Network Rail response: Network Rail initially said that it would re-fence its land, but then changed tack, inspecting the encroached area and informing Mr AB that given the legal complexities it would take some time to establish the situation. Network Rail broadly kept Mr AB informed of what was happening with his immediate neighbour but would not provide details as this was a confidential matter. Things dragged on and there were lapses in communication. The company's community relations team handled the matter for a year until Mr AB lost patience and escalated, at which point the head of stakeholder engagement and then the route director became involved. They reiterated the position that there were legalities that had to be concluded, and that the quasi-legal process precluded the level of update and progress that Mr AB wished. Apologies were offered for lapses in communication.

ICA outcome: The ICA was impressed by the level of detail provided by the community relations team and understood why Network Rail could say little more than that the matter was being progressed. Network Rail had repeatedly inspected the encroached area and had updated Mr AB over and above the ICA's experience of comparable property disputes in the transport sector. The ICA's only mild criticism was that the complaints procedure might have been concluded somewhat quicker given that Network Rail could say no more until the legal process was concluded.

D. Network Rail neighbours

Alleged crime corridor in affluent neighbourhood

Complaint: Mr AB lived on a road parallel to a stretch of railway that ran from a nearby station through a level crossing. He complained that Network Rail's failure to secure its land had created a 'crime corridor' in his affluent neighbourhood, with criminals getting over the trackside chain-link fencing and into people's gardens and homes. Mr AB was

very critical of Network Rail's community liaison, and the company's refusal to upgrade the fencing.

Network Rail response: Network Rail had been liaising with affected members of the community and the local MP for some time before Mr AB involved himself. It explained that the lineside inspector had checked the fencing - which was repaired in places, and vegetation removed. The company said it was of the correct specification and there was no case for changing it. It escalated the correspondence in line with Mr AB's demands through its community relations function and up to regional managing director level. Network Rail also liaised consistently with the MP. Several inspections had occurred. The company advised Mr AB and other members of his community to liaise with the police about suspected criminality. It had reported the matter to the British Transport Police liaison officer and stood ready to assist in any way with the police. The bombastic, unspecific, unfair and personalised nature of Mr AB's correspondence led the company to put him on notice that it would not pursue the case indefinitely when there was no prospect of a constructive resolution.

ICA outcome: The ICA was not sure why Mr AB repeatedly emphasised that his neighbourhood as affluent. Crime was unacceptable wherever it occurred. The ICA also expressed reservations about the value of Mr AB's correspondence when all he did was rubbish Network Rail's efforts and provide unspecific criticisms. Mr AB's approach could not feed into service improvement and did not assist the serious points he was making. The ICA regarded the company's responses to Mr AB's correspondence as timely, sympathetic, thoughtful, and fully in line with the company's safety and customer service duties. The ICA interviewed the staff concerned and established that 1.9m palisade fencing was not appropriate for the stretch of land in question (and was not wanted by most of the community). He did not regard Mr AB's proposed solution as practicable either. The ICA was satisfied that the company had exceeded its safety and customer service remit in its dealings with Mr AB. He did not uphold the complaint.

Vegetation allegedly blocking mobile phone signals

Complaint: Mr AB complained that Network Rail would not cut down trees on its land that he said were blocking the mobile signal to his home. He also criticised the tone of the company's correspondence.

Network Rail response: Network Rail said the mobile mast on its land was the property of the telecoms supplier. It said it would not fell healthy trees without a good reason, and the mobile company had not asked for them to be cut back or removed. Were they to do so, then Network Rail would take appropriate action. The company had apologised for the wording of one holding email that Mr AB had said had caused 'gross offence'.

ICA outcome: The ICA was sorry to learn of the difficulties with the mobile signal - and the mobile phone company's literature suggested in general terms that trees could

sometimes cause a reduction in signal strength. However, it was not unreasonable for Network Rail to rely upon the phone company for advice before deciding on any reduction in vegetation on its land. This was in line with the company's policy not to fell trees without good reason. The ICA was surprised that the wording of an email had caused gross offence to Mr AB, but he agreed that it could have been drafted in different terms. However, he was satisfied that the apology already offered represented adequate redress and that the company's other communications with Mr AB had been courteous and comprehensive. After the ICA review, Network rail agreed, as a goodwill gesture, to lower the height of the trees, Mr AB didn't contact them further.

Poor conduct by contractors during planned remedial works #1

Complaint: Mr AB complained that the planned works on a tunnel should have been conducted over weekends rather than in a two-week block. He said this would have been less inconvenient to passengers and local people. He also criticised the conduct of some of the contractors.

Network Rail response: Network Rail said that the two-week closure was the more efficient and less disruptive way of organising the works which involved some 300 staff and contractors. It apologised for the behaviour of some of the contractors. During the ICA review, the company also said it would reflect upon the feedback it had received, in particular in taking forward its RESPECT toolkit for works in the community.

ICA outcome: The ICA could not adjudicate upon the professional engineering decision making that had led to a two-week closure. But he said his lay view was that the company's explanations for its decision had been sound. However, he deprecated the behaviour of some of the contractors and said there were evident lessons for Network Rail going forward to ensure that contractors' conduct was in line with Network Rail's values and policies.

Inconsiderate conduct by Network Rail contractors #2

Complaint: Ms AB complained about the conduct of contractors during planned work on the same railway tunnel as the case above. She reported bad language, smoking, littering, and inconsiderate parking. She said she had been told by contractors that she was entitled to compensation and asked how to make a claim.

Network Rail response: Network Rail had apologised for the behaviour of some of the contractors. As in the previous case, the company had referred to its RESPECT toolkit. However, it said there was no case for compensation beyond the community initiatives it had already announced.

ICA outcome: The ICA said he shared Ms AB's concerns about the conduct of contractors. As in the similar case above, he said there were evident lessons for Network Rail going

forward to ensure that contractors' conduct was in line with Network Rail's values and policies. On the issue of personal compensation, the ICA said there was no such policy in place for those inconvenienced by engineering works; nor would such a policy be consistent with HM Treasury guidance or DfT policy.

Littering by Network Rail contractors

Complaint: Mr AB complained that contractors for Network Rail had left litter in his garden which adjoined a station. He wanted a higher fence installed.

Network Rail response: Network Rail had acknowledged that this had happened, and had apologised, but said it had no plans to install a higher fence.

ICA outcome: This was a case where the normal uphold/not uphold distinction in recording complaint outcomes breaks down. The ICA could not instruct Network Rail how to use the money at its disposal - much less say that it needed to erect a larger fence. And he was content that the company's correspondence with Mr AB had been honest and frank. However, there was no doubt that the contractor had allowed shards from coping stones to fall into Mr AB's garden and had not done anything to clear them up or to report this to Network Rail. There were questions therefore about contract monitoring and contractors' understanding of the rights of trackside neighbours. Network Rail agreed to alert its contractors and project managers to what had happened in this case as a 'lesson learned' - to try to prevent any recurrence and to provide a better service to those living close to the railway.

Noise and other nuisance from maintenance works

Complaint: Mr AB complained repeatedly about unheralded maintenance work near his home. Contrary to what Network Rail had told him, he had not received advance notification. Mr AB was particularly concerned by light pollution and noise - he claimed he could discern exactly what workers were saying to each other and that at times it seemed they were deliberately directing light from head torches through the windows of his home. Mr AB provided pictures to illustrate his point. He requested compensation, criticising the company for its statement that as a public body it did not regard itself as liable.

Network Rail response: Network Rail insisted that it had sent advance notifications. The company repeatedly apologised for the disturbance and explained its policy of notifying residents within 200 metres of the work site. The need for night-time working was explained but staff had been reminded to keep noise and light nuisance to a minimum.

ICA outcome: The ICA noted that the same reassurances and reminders had followed each iteration of the complaint. Responses had been prompt and courteous, but the ICA was not sure that the company had taken sufficient steps to ensure that notifications actually arrived in advance of works. At his request, Network Rail took additional steps to

make sure that the postcode was included (Mr AB's home was newly built and not represented on every map). The ICA pressed Network Rail to explain the basis of its confidence that its staff were acting in line with the necessary standards. It quoted from its Code of Business Ethics, emphasising its expectation that everyone would be a helpful neighbour, and that employees/contractors/suppliers should be briefed by the project leadership on the requisite standards before work commenced on any site. This included keeping noise from machinery to a minimum, avoiding shouting, swearing, or other inappropriate language, not slamming car doors, accessing worksites by designated entry and exit points, and working within the parameters set out in the pre-notification communication.

Very poor handling of complaints from vulnerable lineside neighbour

Complaint: Ms AB lived opposite land being leased by Network Rail to access the nearby railway for extensive electrification works. She complained repeatedly about noise, vibration damage to property, vegetation on site, failure to notify her of works, and light pollution. The works started had been continuing for years and included extensive piling at night.

Network Rail response: The community relations team fielded multiple complaints about noise, but requests for escalation of Ms AB's complaint were repeatedly ignored. She was, however, offered many apologies and on-site noise mitigation was put in place. Acoustic glass was also fitted to two bedroom windows. After many requests for escalation, Ms AB's complaint was dealt with by a senior manager who did not carry out any investigation. Although Ms AB was told that a director would respond to her, this didn't happen and the reply was sent from a less senior colleague who had addressed the complaint at an earlier stage, and the matter was referred to the ICA.

ICA outcome: The ICA found that Ms AB's complaints had not been escalated as they should have been. This amounted to maladministration. Network Rail agreed to re-brief teams about the terms of the complaints process. The ICA also found that no clear steps had been taken to assess the impact of vibration damage that Ms AB complained about, and recommended this be done. Although section 122 of the Railways Act gives Network Rail a statutory defence to proceedings for nuisance, the defence is not unqualified. The company must demonstrate they have used 'reasonable diligence' to control both noise and vibration. The ICA did not feel the issues of vibration had been addressed (Network Rail disagreed but its efforts were not documented). There was also maladministration in the way notifications of works were sent. Although Network Rail aim to give 10 days' notice of planned works, Ms AB often received letters after the work had started. Ms AB also complained that the project team failed to observe clearly signposted work times at the site, but this aspect of her complaint was never investigated. This too amounted to maladministration. The ICA criticised the customer care team for failing to escalate Ms AB's complaint despite vulnerability priority flags on their system. In response to the ICA's recommendations in respect of complaint handling and the recording of neighbour

contact, Network Rail confirmed that the team involved will undergo refresher training in using the company's customer relationship management system. The ICA also recommended that Ms AB receive a consolatory payment of £1,500. However, in addition, it was commendable that Network Rail itself proposed to make a payment as a gesture of goodwill of £5,000 to be used for community projects after its works finish.

E. Vegetation

Unanswered correspondence regarding embankment works

Complaint: Mr AB complained about works on an embankment that had occurred some years previously. He criticised the felling of mature trees and other technical matters. Mr AB also strongly criticised the handling of his correspondence with letters unanswered and long delays.

Network Rail response: Network Rail said it was satisfied that its works had been carried out appropriately and the impact on the travelling public had been minimised. It said it was somewhat constrained in giving a full account of the decisions made given the passage of time. The company acknowledged there had been correspondence unanswered but could only attribute this to a change of office address and potential failings in the postal service.

ICA outcome: The ICA could not offer a view on the technical aspects of Mr AB's complaint. The ICA had neither the competence nor authority to do so. However, it was clear that much correspondence had been unanswered. The ICA could not say if this was because of postal problems (the earlier correspondence had been delayed because of Covid when staff were working from home). He said that his experience of Network Rail was that its correspondence handling (especially in the region concerned) normally compared very favourably with other transport bodies. On the balance of probabilities, the ICA felt he had insufficient evidence to make a finding of maladministration against Network Rail, although exactly what had occurred to Mr AB's correspondence was a mystery.

Risk from neighbouring trees #1

Complaint: Ms AB was dissatisfied with what she said was Network Rail's failure to maintain the land behind her property. This contained a large laurel hedge and five sycamore saplings. Ms AB was frustrated by Network Rail's failure, as she saw it, to devise a suitable maintenance schedule to ensure that the vegetation did not cause future damage to her property.

Network Rail response: Network Rail said it would prioritise works based on a risk assessment. It had completed a site visit and reviewed drone footage of the area, concluding that works were not imminently required. The company did, however, arrange

for the laurel hedge to be cut back some months after Ms AB's complaint. The saplings remain in situ.

ICA outcome: The ICA concluded that the complaint could not be upheld as Network Rail had demonstrated that it had taken reasonable steps to assess the risk posed by the hedge and trees in question. It had not judged them to present an immediate risk to the railway track or to Ms AB's property. The ICA noted that Ms AB's concerns centred on future potential risk rather than on any actual harm caused at present.

Risk from neighbouring trees #2

Complaint: Mrs AB complained that Network Rail would not cut down a tree on its land that she said was damaged and a threat to her home.

Network Rail response: Network Rail said it had visited the site on several occasions. The tree was not damaged, and its professional opinion was that it represented no threat. Mrs AB was, like any neighbour, at liberty to cut down any parts of the tree overhanging her property.

ICA outcome: The ICA emphasised that he conducted administrative reviews. He could not offer any views on the health of the tree in question or whether it presented a threat to Mrs AB's roof. He was content that Network Rail had carried out regular inspections (and had promised another one within a year). Its decision not to fell the tree was in line with its policies on vegetation management which do not allow for the removal of trees except on safety grounds. Although the correspondence was not extensive, Network Rail had provided courteous explanations of its position both to Mrs AB and to her MP.

Brambles in the garden

Complaint: Mrs AB complained about the penetration of brambles from Network Rail's land into her back garden. She said that her dog had been injured when stepping on them and she had incurred over £200 in veterinary bills as a result. Mrs AB was dissatisfied with Network Rail's repeated insistence that the brambles did not meet the threshold for action, as they had been cut back some months earlier.

Network Rail response: Network Rail reiterated its commitment to biodiversity and its commitment to only removing such plants and trees that posed a safety risk to the line or to property.

ICA outcome: The ICA considered that Network Rail was entitled to plan vegetation management using a risk-based approach. She acknowledged Mrs AB's concerns but agreed with Network Rail that Mrs AB could remove the brambles herself should she wish to do so or employ someone to do it for her. The ICA commended Network Rail staff on

their polite and professional dealings with Mrs AB, who was asked to refrain from swearing and threatening staff on the phone

F. Equality

Disabled access to a level crossing

Complaint: Mrs AB lived on the outskirts of a small village. She complained that Network Rail refused to make an unmanned level crossing accessible to her as a wheelchair user. This was a hybrid level crossing where pedestrians, who had a right of way, had to check the line visually in each direction before crossing as there were no electric gates. Mrs AB complained that the pedestrian gates could not be opened by a person in a wheelchair. Secondly, she said the telephones installed on each side of the crossing were too high for a person in a wheelchair to reach. Mrs AB said that being unable to cross at this location meant that she had a long journey down narrow country lanes without pavements to vote and participate in the parish council. She invoked the Equality Act 2010 in her argument that Network Rail was being unreasonable in not making adjustments to the telephones and gates to enable her to use the crossing. She reported that there were two other neighbouring households with wheelchair users, and other vulnerable users of the crossing (including people with children) whose needs were not being catered for.

Network Rail response: Network Rail explained that there were two crossings at the location, each with a separate risk assessment. The vehicular crossing was self-operated and available only to registered users (not including Mrs AB). The telephones were provided for vehicular users, and people driving livestock, to check with the signaller that there were no services expected. Network Rail explained to Mrs AB that, contrary to her understanding of the deeds to her property, she was not a registered user and had only pedestrian rights-of-way access. The pedestrian crossing included kissing gates (to permit human but not livestock access) and instructional signage. Users rely on their ability to see and hear approaching trains as no automatic warning was provided, and there was no requirement to telephone the signaller for permission to cross. Network Rail had undertaken a site meeting with Mrs AB and commissioned an additional risk assessment during the complaints process to test its thinking about the feasibility of adapting the crossing. The company gave considerable thought to changing the gates and installing warning systems. This would be fully reassessed during the scheduled renewal of the crossing in 2028. In the meantime, the gates were in good repair, and the costs were such that changing the crossing could not be construed as a reasonable adjustment given low demand from vulnerable people.

ICA outcome: The ICA examined the risk assessment, having explained that he could not determine a complaint that the company had failed to meet Equality Act requirements. The ICA was critical of Network Rail for saying there was low demand from vulnerable people to use the crossing (clearly people using wheelchairs could not use it, and therefore would not be evident in Network Rail's census of the crossing). And, in general, the ICA

did not feel that the rationale for Network Rail's position was explained in sufficient detail and some of its arguments were contradictory. For example, the company said that making the phones accessible to disabled people would create potentially unmanageable workload for the signallers. At the same time, it said that there was no demand. The ICA was sceptical about several of the other rationales for taking no action, although he emphasised that the staff involved were clearly genuine in their wish to help. To clarify the outcome for Mrs AB, the ICA recommended that the full risk assessment be provided to her. The ICA noted the role of Network Rail's built environment accessibility panel (BEAP) in bringing to bear the expertise and lived experience of disabled people to ensure that all reasonable steps were taken to maximise accessibility. The ICA recommended that the case for accessible telephones and pedestrian gates at the level crossing be referred to an independent disability consultant who is a member of the BEAP for review, and that Mrs AB be involved in that process. He partially upheld the complaint. Network Rail implemented this recommendation and the subsequent expert-led review upheld the decision not to upgrade the crossing.

6: DfT & other Public Body casework

A. DfTc

- 6.1 No complaint against the Department for Transport's central functions was received during the reporting year.

B. HS2 Ltd

- 6.2 As was the case a year ago, we received no complaints regarding HS2 Ltd.
- 6.3 We believe that many causes of grievance now find their way to the Independent Construction Commissioner (now the independent HS2 Commissioner). It is also clear that HS2 Ltd has invested very heavily in its public engagement processes and offers a gold standard in its approach to the resolution of grievances.

C. Maritime and Coastguard Agency

- 6.4 We received three complaints about the MCA in 2024-25, compared with only two in 2023-24.
- 6.5 We completed two reviews. With such a small number of complaints it is not surprising that, over the years, the ICAs have identified no common features or themes.

Selected MCA cases

Tragic outcome to complaint about the detention of a vessel

Complaint: Mr AB complained that his vessel had been unnecessarily detained by representatives of the MCA. He disputed that the MCA had any regulatory powers over his vessel and said his human rights had been infringed.

Agency response: The MCA had supported the actions of its staff. It said the vessel had been detained as it was deemed unsafe.

ICA outcome: The ICA said he could not adjudicate upon the professional judgements of the Coastguard and others. He could identify no maladministration, although he did mildly criticise the attempts to close down the correspondence without escalation. In the event, on issuing his report, the ICA learned that the complainant had been found dead on his vessel where it had remained in dock for six months after being detained.

Fracas in a business premises

Complaint: Mr AB reported an altercation in his business premises in which he said he had been assaulted and furniture had been broken. He said the person responsible, Mr CD, was a coastguard and he complained about the response of the MCA.

Agency response: The MCA had explained that Mr CD was a volunteer coastguard, not an employee. As the police had taken no action, the MCA concluded that actions taken in line with its Volunteer Code were sufficient.

ICA outcome: The ICA said he was limited in what he could say in respect of the MCA's personnel/disciplinary decisions. However, he was content that the MCA had conducted sufficient enquiries and reached reasonable conclusions in light of the conflict of evidence and the police decision to take no further action. The ICA could not make findings of fact, but he found persuasive Mr AB's account that Mr CD had entered his premises because he was dissatisfied with a product that his wife had purchased. It was also clear from video footage that Mr AB had used foul and obscene language towards Mr AB that the ICA deprecated. However, who had assaulted whom or broken the furniture was unknown. The ICA noted that the MCA's stage 2 response was late, but he was content that the apology offered represented sufficient redress

D. Civil Aviation Authority

- 6.6 We received five complaints about the Civil Aviation Authority, compared with just three last year, and completed four reviews. The subject matter was eclectic – ranging from a personnel issue to a bereaved family's continuing concerns following the Shoreham airshow tragedy.
- 6.7 We completed two reviews. With such a small number of complaints it is not surprising that, over the years, the ICAs have identified no common features or themes.

CAA Cases

Disappointed job applicant bombards CAA with questions

Complaint: Mr AB complained in relation to a recruitment exercise in which he was unsuccessful. He posed many, many questions to the CAA.

CAA response: The CAA had attempted to answer Mr AB's questions. Amongst other things, it rejected Mr AB's contention that the Authority had failed to follow its complaints procedure properly.

ICA outcome: The ICA said that personnel decisions were outside his jurisdiction. He was content that the CAA had replied comprehensively to Mr AB's queries and his report contained an annex with further replies. The ICA said that many people were disappointed if unsuccessful in a job application but asking hundreds of questions was not proportionate. Nor was it consistent with the good communication skills and diplomacy that the specific job description required.

Ballooning complaint bursts

Complaint: Mr AB complained in relation to a ballooning matter. After the CAA referral, he made a subject access request for the paperwork but there then followed six months of radio silence. The ICA said in the circumstances he would withdraw the complaint unless he received representations to the contrary. In the absence of such representations the complaint was deemed to have been discontinued.

Out-of-time application for funding of safety device

Complaint: Mr AB complained that the CAA had refused his application under a scheme to help fund the purchase of safety equipment (a conspicuity device). Mr AB had applied for the maximum refund of £250. He said the CAA were aware of his application a fortnight before the scheme ended. He argued that the CAA process was not fit for purpose.

CAA response: The CAA said Mr AB had not made a valid application before the deadline. He had registered on the portal and then sent emails to an address which was not monitored. The scheme had now ended, and Mr AB was not entitled to a refund.

ICA outcome: The ICA said he could understand Mr AB's concerns. However, the process had been successfully followed by many hundreds of customers. Mr AB had received messages to say that the address he was using was un-monitored, and the CAA was entitled to say (correctly) that he had not in fact submitted a refund application before the closure date. While the CAA could have exercised some flexibility (the refund scheme was not a statutory scheme), and therefore avoided the costs of an ICA review, it was not maladministrative for them not to have done so.

Continuing reverberations of the Shoreham tragedy

Complaint: The complainants were the family of a young man who had been killed in the 2015 Shoreham air disaster. In the intervening years there had been a series of investigations and an inquest and criminal proceedings. However, the family continued to believe that the CAA had not properly considered the risks to third parties when a licence was granted for the airshow.

CAA response: The CAA had emphasised that its complaints procedure did not encompass legal or regulatory issues (although in practice these were considered to some extent in its correspondence). The CAA had apologised for the delay in setting up a meeting with the family and a subsequent delay in sharing the minutes of that meeting. It committed to developing a better process to communicate with families with a single point of contact.

ICA outcome: Despite her great sympathy for a bereaved family, the ICA concluded that there was nothing further that could be investigated and therefore she could not uphold the complaint.

E. Vehicle Certification Agency

6.8 It is a very rare occurrence for a complaint against the Vehicle Certification Agency to be referred to the ICAs. This year there was just one – but it was upheld in full.

Poor service by VCA in considering Conformity of Production application

Complaint: Mr AB's small company was launching high-performance products into the European market. The company complained that there had been excessive delays (exceeding seven months) by the VCA in the consideration of its conformity of production (CoP) application, despite frequent chasers. Errors and misunderstandings had then followed, compounding the delays and Mr AB's frustration. The company attributed significant delays, and therefore business losses, to VCA maladministration. In telephone contact, the company had initially found the VCA to be sympathetic. But they characterised the Agency's written complaint responses as evasive, vague, and lacking in any real commitment to improving the service or putting right the impact of its failings.

Agency response: The VCA accepted that there had been lapses on its part but could not meet the company's request to extend the CoP certificate and could not, in policy, provide monetary compensation. The aim was to get the company on the right path for future work by helping it meet the requirements for the necessary approvals. Some concessions were made in terms of outstanding and future CoP charges, but these did not meet the company's aspirations for remedy. Unfortunately, communications broke down and the matter remained in deadlock at the point of ICA referral.

ICA outcome: The ICA upheld the complaint of poor service. He had found it very difficult to discern from the documentation the extent to which the VCA accepted responsibility for the delays in the process. While the Agency had apologised, it had also hinted that the company was to some extent also responsible. The ICA pointed out the Ombudsman requirement for complaints investigators to compare what actually happened with what did happen, and to make good the difference between the two where there had been shortfalls. The ICA pointed out areas where the VCA had also fallen foul of the

transparency duties in the Regulators' Code. He asked the VCA board to consider the service Mr AB's company had received and to conduct an analysis of what happened versus what should have happened, so that a mutually acceptable resolution of the dispute could proceed. This was agreed by the VCA.

Appendix 1

THE DEPARTMENT FOR TRANSPORT INDEPENDENT COMPLAINT ASSESSORS – TERMS OF REFERENCE JULY 2025

Introduction

1. The aims of the independent complaints assessor (ICA) process are to:
 - put right any injustice or unfairness suffered by members of the public resulting from actions, inactions or decisions of the DfT and its public bodies
 - improve services delivered through the DfT and its public bodies
 - provide assurance that the DfT and DfT public bodies have followed proper procedures, and that maladministration has not occurred.
2. The role of the ICAs is to review how particular matters have been handled. It is a 'light touch' procedure; the ICAs do not conduct primary investigations, or routinely interview the parties, and are usually unable to adjudicate upon contested versions of events where no independent evidence exists. The ICA process is intended to assist customers and users of DfT/DfT public body services; it is not for the resolution of disputes between professionals.
3. The Department for Transport (DfT) independent complaints assessors (ICAs) provide independent reviews of complaints about the information and services delivered by the central Department for Transport (DfT(c)) and those other bodies reporting to DfT which are listed in Annex A.
4. These terms of reference are subject to annual review, with any changes subject to agreement between DfT(c), DfT public bodies and the ICAs.

Referral and review process

5. The DfT/DfT public body will tell all complainants that they can ask for an ICA review in the final response to a complaint and in published information about the DfT/DfT public body's complaints procedure. This includes responses to complaints made by Members of Parliament and others acting on behalf of the complainant. All complaints for review by the ICAs must be referred to the ICAs by the DfT or DfT public body concerned. Complainants cannot refer their cases to the ICAs. The ICAs will pass any self-referred complaints back to the relevant DfT public body or the DfT.
6. The DfT/DfT public body will ensure the complainant knows what the ICAs can do, and that the complainant needs to ask for referral following the DfT/DfT body's final response. The information to be provided to complainants is at Annex B. A standard referral form for the DfT/DfT public body to use is at Annex C.

7. Provided that the DfT/DfT public body has completed its own complaints procedure, it must always refer a complaint to the ICAs when asked to do so by a complainant. If it considers that a complaint is outside the ICA remit, as set out in these Terms of Reference, the DfT/DfT body will consult an ICA. Decisions about whether a complaint meets the criteria for ICA review will be made by the ICAs and not the DfT/DfT public body.
8. In some circumstances the DfT/DfT public body may consider it preferable to refer a complaint to an ICA before it has completed its complaints procedure. It may do so with the agreement of the complainant and an ICA.
9. The DfT/DfT public body may also ask an ICA for advice on a case before its final response.
10. The DfT/DfT body will aim to pass a completed referral form, chronology and all data exchanged between the parties to the ICA no later than 15 working days after the complainant has asked the DfT/DfT body to refer a case to the ICA. A holding letter and explanation should be sent to the complainant if this target is not met.
11. The ICA will acknowledge receipt of a referral to the DfT/DfT public body and complainant within five working days, unless the ICA judges that there is no need to do so in the circumstances. The ICA will give the complainant a contact telephone number, and email and postal addresses.
12. The ICA will decide whether and how much of a complaint is in scope. They will do this after considering the information and documents the DfT/DfT public body gives them and any other information they judge relevant. The ICA will also decide how detailed a review will be proportionate, keeping in mind the public interest. Factors relevant here include:

For a more detailed review

- The complainant has, or might have, suffered significant injustice, loss or hardship
- The DfT/DfT body's handling of the complaint has been poor. For example, it has failed to conduct a proportionate and reasonable investigation, and/or has failed to apply an appropriate remedy
- The DfT/DfT body has asked the ICA to review the case
- An ICA review may assist in a wider process of organisational learning from the complaint and/or of promoting consistency and fairness.

For a less detailed review

- The DfT/DfT body has investigated the complaint properly and has found no administrative failure or mistake

- The DfT/DfT public body has fully remedied any failure or mistake
 - The complainant objects to the DfT/DfT body's policy or legislation
 - The complainant has or had a right of appeal, reference, or review through another avenue, for example tribunal or legal proceedings
 - The essence of a complaint is a contractual or commercial dispute.
13. During the review the ICA may raise queries about the complaint history, or the policy or legal background, and the DfT/DfT public body will try to answer them. The DfT/DfT public body will ensure the ICA has complete access to all the relevant data, documents and information used in responding to the complaint. This includes third party material.
 14. An ICA may exceptionally conduct formal interviews with relevant parties, but should tell the DfT or DfT public body (and DfT(c) if appropriate) beforehand. Phone contact with complainants does not constitute a formal interview.
 15. The ICA will review the complaint and set out their conclusions about the way the matter has been handled.
 16. An ICA may discuss a case with another ICA or ICA associate if they feel it would be helpful. An ICA may also, with prior agreement from DfT(c), co-opt an ICA associate to support case handling.
 17. The ICAs will aim to complete their draft review of the case within three months. They should tell the complainant and the DfT or DfT public body if they think it will take longer and explain the reason(s) why. The ICA and the complainant may agree at any point that the review should be suspended temporarily or that the referral should be withdrawn.
 18. The ICA will send a draft report to the DfT/DfT public body for it to check for factual accuracy.
 19. If the DfT/DfT public body thinks it might be difficult to accept and/or implement the ICA's draft recommendations, it should comment at this stage. It should try to reach an agreement with the ICA about their findings and recommendations. If the DfT or DfT public body and the ICA cannot resolve any difference of opinion, and the DfT or DfT public body does not agree to implement a recommendation, the DfT or DfT public body should tell the complainant and the ICA, in writing, after the ICA issues the final report.
 20. Exceptionally, the ICA may decide to issue a full (or partial) draft report to the complainant, as well as to the DfT/DfT public body. This will allow the parties to provide additional input before the ICA finishes the report.

21. The ICA's final report will set out the ICA's findings and conclusions, with reasons for them. As appropriate, this will cover:
- whether the DfT or DfT public body has been fair and has met the relevant standards in its administration (including in its complaint handling), consistent with the UK Central Government Complaints Standards
 - whether any part of the complaint is upheld, and any recommendation to put those matters right
 - any broader recommendation or suggestion for improving the handling of complaints or other matters the ICA has considered.
22. The DfT/DfT public body must tell the relevant ICA as soon as they are aware that a case an ICA has reviewed has been accepted for investigation by the Parliamentary and Health Service Ombudsman (PHSO). The DfT/DfT public body should, following receipt of a final report from PHSO on such a case, advise the relevant ICA and the DfT ICA sponsor of any PHSO recommendations. The DfT/DfT public body must write to the complainant and copy in the ICA and DfT ICA sponsor to say whether they accept PHSO's recommendations.

Remedies

23. The ICA may recommend the DfT/DfT public body put right any complaint they uphold by:
- apologising
 - giving more information and/or explanation
 - taking other remedial action
 - paying out-of-pocket expenses (with evidence)
 - paying other financial losses (with evidence)
 - making a consolatory payment, if this is proportionate and necessary, to reflect the inconvenience, injustice, hardship or delay experienced by the complainant because of the DfT/DfT body's decision, action or failure to act.
24. When making a recommendation for any financial payment, the ICA will consider the DfT or DfT public body's policy, relevant HM Treasury guidance (currently 'Managing Public Money'⁸) and relevant PHSO documents – in particular the 'Principles for

⁸ HM Treasury's guide to managing public money.

Remedy'⁹ and 'Our Guidance on Financial Remedy'¹⁰, and the 'UK Central Government Complaint Standards'¹¹.

25. In suggesting any remedy, the ICA will consider the impact and seriousness of any poor service or maladministration on the complainant. The ICA will also consider the appropriate steps, if available, to restore the complainant to the position they would have been in had the poor service or maladministration not occurred. The ICA will also take account of anything the complainant did or failed to do which made their situation worse.
26. When the ICA has made recommendation(s) about redress, the DfT/DfT public body must respond to the complainant in writing, stating whether they will comply with the recommendations and giving a clear explanation for their decision. A copy of what is sent to the complainant must be sent to the ICA who handled the review.

Confidentiality/personal information handling

27. The DfT or DfT public body should make clear to complainants they will share their personal information with the ICAs when they ask for ICA review and before they refer any case to the ICAs. The sharing of a complainant's personal data must be agreed with them before it is passed on.
28. In the ICAs' annual report and elsewhere, the DfT/DfT public body may publish anonymised data relating to a complaint to show the public how DfT and DfT public bodies deal with complaints and what the ICAs do. The DfT/DfT public body may also use complainant personal data for producing anonymised statistical information.
29. The ICAs will destroy securely all data about a complaint that was referred to them, including the report, generally after two years. The ICAs may retain data for longer if a case is or is thought likely to be subject to PHSO consideration. DfT/DfT public bodies have their own data retention and archive policies with which they will conform.
30. The DfT/DfT public bodies process personal data relating to a complaint so they can deal with it. Some DfT public bodies are separate data controllers under data protection law.
31. The DfT's privacy policy¹² has more information about a person's rights in relation to their personal data, how to complain and how to contact the Data Protection Officer.

⁹ <https://www.ombudsman.org.uk/about-us/our-principles/principles-remedy>.

¹⁰ https://www.ombudsman.org.uk/sites/default/files/Our-guidance-on-financial-remedy-1_0.pdf.

¹¹ <https://www.ombudsman.org.uk/organisations-we-investigate/complaint-standards/uk-central-government-complaint-standards>.

¹² <https://www.gov.uk/government/organisations/department-for-transport/about/personal-information-charter>.

This privacy policy covers the central Department (DfT(c)) its executive agencies and investigation branches only. Other DfT bodies have their own privacy policy on their websites.

32. To conduct a review an ICA might require access to material that is sensitive, for example, because it is confidential, legally privileged or commercially sensitive:
 - where the DfT/DfT public body has told the ICA some material they have provided is sensitive, the ICA must not disclose any part of it outside the DfT/DfT public body without first obtaining consent from the appropriate data controller(s)
 - in rare cases, an ICA might not be able to confirm or deny the existence of data. The DfT/DfT public body must explain this to the ICA in those circumstances.
33. The ICAs must handle all documents and information given to them in line with the DfT /DfT public body's requirements for the lawful protection of information, especially personal information.
34. As data processors, the ICAs will pass any requests made directly to them for information under the Freedom of Information or Data Protection Acts directly to the relevant DfT public body or to DfT(c). They must include any relevant documents or information about the request.
35. The ICA should copy their report to the complainant and to the DfT/DfT public body (and any representative the complainant has specifically nominated to receive a copy of a report, such as an MP). In accordance with Government policy, the ICAs' reports are normally given the security marking OFFICIAL-SENSITIVE, but this does not prevent a complainant from sharing their report more widely. Reports should be written with the expectation that this might happen.
36. The ICAs will generally refer only to the 'preferred first name and/or title/role' of the member(s) of staff in the DfT/DfT public body referred to in a complaint, not the full name, unless they are members of the Senior Civil Service. They will similarly avoid naming third parties, referring instead to their role or connection to the complainant, unless there is a particular reason for names to be given.

Reporting by ICAs

37. The ICAs will report every year to the Permanent Secretary of the Department for Transport on complaints they have handled in the previous year ending 31 March. The report will include:
- how many complaints were referred to them
 - how many complaints they upheld, partially or fully
 - key recommendations and suggestions made to the DfT/DfT public bodies
 - recommendations and suggestions made for the improvement and better performance of the complaints procedures of the DfT/DfT public bodies
 - a selection of anonymised complaints the ICAs have concluded during the year, to:
 - highlight issues found in service delivery,
 - encourage others similarly affected to come forward
 - demonstrate the independence and impact of the ICAs' work
 - draw attention to any other matter the ICAs consider the DfT/DfT public bodies should know about.
38. The ICAs will invite DfT(c) and the DfT public bodies to check a draft of the annual report for the accuracy of sections dealing with their cases.
39. The DfT will publish the ICAs' annual report and its response to any recommendations on its website as soon as possible following receipt.
40. The ICAs will also produce quarterly summary reports to an agreed format. These will also be provided to DfT/DfT public bodies in draft form before submission to DfT(c).

Target timescales

41. Target timescales for the DfT ICA scheme are set out below.

DfT and/or DfT public body to provide ICA with completed referral and all supporting documents	15 working days of receipt of request for an ICA review
ICA to acknowledge referral to complainant and DfT and/or DfT public body and to inform complainant of proposed timescale for review	5 working days from receipt of completed referral unless an ICA judges that an acknowledgement is not required in the circumstances
DfT and/or DfT public body to answer queries raised by ICA	10 working days of receipt of query
ICA to issue draft report to DfT and/or DfT public body	3 months from receipt of completed referral.

DfT and/or DfT public body to respond to draft ICA report	10 working days of receipt of draft
ICA to issue final report to the complainant and DfT and/or DfT public body	5 working days from response to draft report and within three calendar months of initial referral.

42. If an ICA or the DfT/DfT public body thinks they might miss any of these targets, they will say so as early as possible and explain the reason(s).

Equality

43. The scheme should be as widely accessible as possible to all sectors of the community, in the same way that DfT's services should be. If, while making a referral, the DfT/DfT public body considers the complainant has any protected characteristic as outlined in the Equality Act that might require the ICA to adjust their approach to handling the case, it will tell the ICA as soon as possible.

List of DfT bodies within the ICAs' jurisdiction

British Transport Police Authority (BTPA)¹³
Civil Aviation Authority (CAA)
Driver and Vehicle Licensing Agency (DVLA)
Driver and Vehicle Standards Agency (DVSA)
High Speed Two Ltd (HS2 Ltd)
LCR Property/London & Continental Railways (LCR)
Maritime and Coastguard Agency (MCA)
National Highways (NH)
Network Rail (NR)¹⁴
Vehicle Certification Agency (VCA)

as well as

The central Department for Transport itself (DfTc).

¹³ Not the British Transport Police.

¹⁴ Network Rail does not come within the jurisdiction of the Parliamentary and Health Service Ombudsman. Complainants who remain dissatisfied following an ICA review should be advised to contact an MP who can raise the matter with the DfT or with a Minister.

ICA referral: information for complainants

1. You can ask us to pass your complaint to one of the independent complaints assessors (ICAs) if you've been through the final stage of our complaints process and are not happy with the response.
2. The ICAs cannot accept referrals direct from complainants¹⁵ – the complaint must have been through the DfT or DfT public body's own complaints process, unless exceptionally you, we and the ICA agree it can be referred earlier. Please give us your reasons if you think your case should be referred before completion of our complaints procedure.
3. The ICA is:
 - independent of DfT and [insert name of DfT body]
 - a public appointment, not a civil servant
4. The ICA looks at whether we've:
 - handled your complaint properly
 - given you a reasonable decision.
5. It does not cost you anything for the ICA to assess your complaint.
6. The ICA will need to see all the letters and emails between us. We'll aim to send these to the ICA within 15 working days of you asking us to pass your complaint to them.
7. The ICA will decide how best to deal with your case and will then contact you.
8. If you and we both believe referral to the ICA will not resolve your complaint, then with the agreement of the ICA, the ICA does not have to consider it. Instead, you can ask an MP to refer your case to the Parliamentary and Health Service Ombudsman (PHSO).
9. The ICA will aim to review your case within three months of receipt. They'll tell you if they expect it to take longer.
10. When the ICA has reviewed your case, they'll tell you the outcome and if they've made any recommendations. That ends their involvement with your case, and you should not expect them to engage in further correspondence. In most cases, your further right of appeal would be to PHSO via an MP.

¹⁵ With the sole exception of complaints about the independent HS2 Commissioner or the former Construction and Residents Commissioners.

11. The ICA can look at complaints about:
- bias or discrimination
 - unfair treatment
 - poor or misleading advice
 - failure to give information
 - mistakes (including decisions, actions and failures to act)
 - unreasonable delays
 - inappropriate staff behaviour.
12. The ICA cannot look at:
- regulatory decisions and outcomes
 - disputes where the principal focus is upon Government, DfT, or DfT public body policy
 - complaints arising from contractual and commercial disputes
 - complaints about the law and other matters decided by Parliament
 - matters where only a court, tribunal or other body can decide the outcome
 - decisions taken by independent boards or panels, for example: applications under the HS2 'Need to Sell' scheme
 - decisions taken personally by Ministers
 - legal cases that have already started and will decide the outcome
 - an ongoing investigation or enquiry
 - how [insert name of DfT body] has handled requests for information made under the Freedom of Information Act 2000 or the Environmental Information Regulations 2004
 - how [insert name of DfT body] has handled subject access requests made under the Data Protection Act
 - personnel and disciplinary decisions or actions
 - any professional judgment by a specialist, including, for example, the clinical decisions of doctors or the judgments of driving and vehicle examiners.
13. The ICA cannot usually look at any complaint that is more than three months old from the date of the final response from us. If this applies to you, please tell us why you believe the ICA should still review your case. We'll send your explanation with your complaint to the ICA, who will decide whether to accept it.
14. The ICA cannot look at any complaint PHSO has already investigated or is investigating.

Mutual respect

15. The ICAs will behave in a respectful manner and expect the same in return. They will not tolerate behaviour that creates an intimidating, abusive or offensive

environment or which undermines their safety or wellbeing. The ICAs will take steps to address such a situation should it arise, which can include, but need not be limited to, restricting their contact with complainants whose behaviour is found to be unreasonable.

ICA referral form for completion by the DfT or DfT public body**A timeline of all correspondence/actions should be attached to this form.**

1. DfT or DfT public body and contact details of officer preparing the file	
2. Name of complainant	
3. Address	
4. Email address and telephone if known	
5. Has the complainant indicated a requirement or preference for communications? (e.g. are they unable to write?) If so, what?	yes/no
6. Has the complainant identified as having a protected characteristic under EA 2010? If yes, please state what	yes/no
7. Date complaint made and by what means?	
8. Summary of complaint (attach letter/email if appropriate)	
9. Date of initial response to the complaint?	
10. Summary of initial response (attach letter/email if appropriate)	
11. Date of final response to complaint?	

12. Summary of final response to complaint (attach letter/email if appropriate)	
13. What redress, if any, has been offered to the complainant (e.g. apology, reimbursement of expenses, ex gratia payment)?	
14. If no redress/failure identified, which rules/policies have been followed correctly?	
15. Date of request for ICA review (attach letter/email if appropriate)	
16. Does the public body know if a complaint has been made to PHSO?	yes/no
17. Is the complainant's request for ICA review late? If so, does the public body think the ICA should waive the time bar?	yes/no if late: waive/don't waive

18. Does the complaint concern systems or processes which have since changed or will change in the near future?	yes/no
19. Confirm the complainants preferred method of communication and that these details have been agreed, are current, and valid	
Date:	Person making referral (if different from email)

I confirm that the above information has been verified.

Any other comments:

Appendix 2

Department for Transport – Complaints 2024-25

The central Department is committed to responding to complaints within twenty working days. The Department's public bodies, including executive agencies have their own complaints procedures and timelines within an overall Departmental policy framework.

The number of complaints handled by the central Department, executive agencies, and other public bodies where data is available during 2024-25 and the previous three years is provided in Table 1. These show an overall reduction in complaints which we put down largely to operational recovery following the pandemic and its impact on delivering services as well as improving handling business queries that would become complaints by implementing lessons learnt.

Table 1: Gross Number of complaints (e.g., Stage/Step 1)

Year	2024-25	2023-24	2022-23	2021-22
DfT (Central Dept)	13	7	8	24
BTPA	0	0	0	0
CAA	111	131	199	270
DVLA#	26,284	6,836	13,684	28,197
DVSA	17,624	9,884	9,819	8,699
National Highways	6,714	5,597	5,994	4,886
HS2 Ltd	1,209	1,107	1,147	1,637
MCA	49	77	52	66
Network Rail	9,515	12,791	10,199	7,391
ORR	1,419	1,232	1,118	1,079
VCA	32	22	15	10
Total	62,970	37,684	42,235	52,259

Due to variations in information requested, DVLA complaints data published elsewhere may differ from that here.

Additionally, DVLA made changes to its formal complaint classification process in 2024-25, which has resulted in an increase in overall volumes.

Lessons from complaints handling and improvements during 2024-25.

The following improvements either to complaint handling or service delivery processes acting on the feedback from complaints have been reported by the central Department (DfTc) complaints team and our Public Bodies.

Department for Transport (DfTc - central Department)

The trend we have spotted this year is that there has been a slight increase in the number of maladministration complaints being received, as they have increased from 7 to 13. The majority of these complaints were dealt with at a stage 1 level.

We continue to receive a large number of complaints relating to other organisations, such as Transport for London and bus companies as well as London Taxis and Uber. We continue to inform complainants where to escalate their complaints.

Civil Aviation Authority

Weekly medical case management meetings have been introduced to support medical applications processes to ensure consistent action is taken and applicants receive timely updates.

Introduced CELLMA leads within our Shared Services Centre to establish high-level technical interaction with our medical team to create a more joined-up approach to handling applications. CELLMA is our medical records system which can be accessed by us as well as our customers via the CAA customer portal.

The CAP722 has been reviewed and revised to improve the support and guidance for operating permission applications, to ensure regulatory compliance delays. CAP722 is our policy / guidance relating to Unmanned Aircraft System Operations in UK Airspace.

Improved tracking on Private Pilot Applications (PPL) by establishing a better-quality check process to ensure progress is completed within service level agreement (SLA).

A reduction in airline complaint delays with our Passenger Advice & Complaints Team (PACT) through improved processes, systems, and the recruitment and training of staff. Improved communication with stakeholders by phone rather than email to discuss applications and queries.

A new service level agreement (SLA) of 19 working days has been implemented for Engineering Technical Assessments to improve the customer experienced for applicants.

Trained additional colleagues in the Aircraft Maintenance Licence (AML) application process to improve the management of applications which in turn reduces delays for applicants.

Improved technical knowledge for colleagues on Flight Crew Licencing (FCL) enquiries to improve email response to customers / stakeholders.

Introduce a new process where applicants are kept informed of the status of their Certificate of Airworthiness (CofA) applications to maintain good communication where a delay might occur, which in turn should reduce status enquiries.

Increased the number of technical support colleagues, introduced a duty rota to handle queries & weekly meetings to discuss complex applications in the Flight Crew Licensing (FCL) Team to improve the management of applications, which in turn reduces delays for applicants and improves colleagues' skills.

Information on our website has been updated explaining the process for changing contact number within the CELLMA portal to improve the customer experience.

Driver and Vehicle Licensing Agency (DVLA)

Our Contact Centre have introduced improvements to our Interactive Voice Recognition (IVR) and chat bot systems which results in customers being transferred to speak to an agent quicker if the enquiry is not recognised.

We also launched a new feature, in our Contact Centre, which allows customers to submit information relating to their enquiry whilst they are waiting in the queue or for a call back, speeding up the call handling process.

Updates have been carried out on the driver and vehicles account, and customers can now select the language preference as Welsh. The customer's language preference will then be used for digital tax reminders and all notifications sent from the Driver and Vehicles account.

Since the British Sign Language (BSL) video relay service went live in November 2023, 1,516 calls have been taken across all our services.

Medical questionnaires have been improved, making them easier to follow and complete for both the licence holder and healthcare professionals, and customer information is being pre-populated, meaning customers only complete their details if there are changes.

We have trialled new ways of working over the past year to improve response times for our customers. Our average time to make a licensing decision for cases where we have all the relevant information provided is 7.53 days. Where we need to seek further information from customers or third parties, the time to decision is 44.20 days, which is a reduction of over 10 days from the previous financial year.

A network of specialist psychiatrists has also been established to assist with cases that require mental health enquiries. These specialists are available to provide DVLA reports in

those cases where the driver's GP/Consultant cannot provide us with the necessary information to make a licencing decision.

When visual field tests are required, letters have been amended to advise customers to contact Specsavers directly, who can access the request to provide advice and advise of further Specsavers stores that can carry out the test if necessary.

The use of Microsoft Power Apps has been continued with additional updates/improvements to further transform manual business operations into digital, automated processes to speed up processing and decision making.

A review of all the letters used to return invalid/incomplete driving licence applications has been carried out, with emphasis on making the letters as clear and simple as possible with a view to reducing the need to call the agency.

When a new name can be attributed to an obvious change, for example, a marriage or divorce, we have introduced a new process where confirmation is carried out via a digital passport check. This will reduce the number of applications being returned for supporting documentation.

We have launched a new digital service which allows customers who are exempt from vehicle excise duty (tax), due to being in receipt of certain disability benefits, to tax their car online for the first time.

Electronic vehicle licensing (EVL) transactions now update DVLA vehicle records in real time. This means that when a vehicle is taxed via EVL during business hours customers in most cases will be able to view the update within hours.

Driver and Vehicle Standards Agency (DVSA)

DVSA has increased resource in its ICA team to ensure the agency provides a reliable, consistent and high-quality service to its customers and meets its targets.

DVSA continues to incorporate the review of feedback into work for improvements to the theory driving test service for disabled and neurodiverse candidates and to design a service for all. This includes:

- continuous review and improvement of the digital theory test booking service to provide the best and most accessible experience for all users, including enhancements to the booking processes for candidates who ask for more support to make the service more efficient.
- consultation with dyslexia stakeholders when designing the look and feel of the test to ensure clear, simple language and inclusive content.

- improvements in accessibility across the theory test service for deaf candidates and integrating the use of British Sign Language (BSL) into the theory booking and testing process.
- collaboration with external stakeholders to improve the testing experience for neurodiverse candidates. Working with suppliers to ensure staff recognise and support candidates wearing disability lanyards.

One of the main issues that DVSA faces at the moment is high waiting times for practical driving tests. To tackle those and improve customer service, DVSA is taking measures to reduce driving test waiting times. These include:

- recruiting more driving examiners.
- improving the driving test booking system.
- encouraging learner drivers to better prepare for their test through "Ready to Pass?" campaign.
- changing the short notice cancellation from three to ten days, to improve wastage of last-minute cancellations.
- DVSA is conducting a review of the way it reimburses customers who have had driving tests changed or cancelled to make sure the system remains fit for purpose. At the same time, the agency has also been working on a new platform for making expense claims to make the whole process as easy and straightforward to use as possible for its customers.

High Speed 2 (HS2)

We marked the fourth year of main works construction of the new railway in 2024. Key highlights included completion of building the UK's longest railway viaduct along the Colne Valley near London, and our tunnel boring machines completed about 41 miles of tunnelling.

We recognise that no one chose to live by any of HS2's construction sites. We always try to do the right thing, treating people and places with respect, and make sure our supply chain does everything possible to reduce disruption for residents and local businesses.

Between April 2024 and March 2025, 1,209 complaints were received - an increase of 9% from the previous year. Despite this rise, I am pleased to note that 96% of these complaints were resolved within 20 working days, and all were concluded at the first stage of the complaints process. Additionally, 100% of urgent construction-related enquiries and complaints were responded to within two working days.

No complaint cases were escalated to the Parliamentary and Health Service Ombudsman.

Maritime and Coastguard Agency

In 2024–25, the Maritime and Coastguard Agency (MCA) upheld its commitment to high service standards by actively monitoring and addressing customer complaints.

The agency continued to implement its structured three-step complaints procedure, which encourages resolution at the point of service, escalation to senior management if needed, and, where appropriate, review by an Independent Complaints Assessor. Feedback gathered through this process has been vital in identifying areas for improvement and enhancing overall service delivery.

Common complaints included delays in processing seafarer certifications - particularly during peak renewal periods - inconsistent communication regarding survey and inspection outcomes, and challenges navigating the agency's online application systems.

Additional concerns were raised about the limited availability of in-person assessment appointments and unclear guidance on regulatory compliance. These insights have driven improvements in digital services, communication protocols, and customer support training. The MCA remains committed to transparency, accountability, and continuous improvement in line with its mission: safer lives, safer ships, and cleaner seas.

National Highways

We are committed to continually improving how we engage and respond to customer contact, as well as how customers can give us their feedback. In 2024-25, we improved the timeliness of our responses to customer contact by 1.6%. As of March 2025, we achieved a 12-month rolling score of 93.7%, compared to 92.1% for 2023-24. This year we:

- increased access to training and guidance, empowering our people to deliver a professional and friendly customer service, including when the nature of contact is difficult.
- developed better, more accessible guidance on roles and responsibilities, helping improve the quality of our customer contact.
- developed our knowledge management and record management processes to improve the structure of information we receive from customers and the data and knowledge our customer contact centre advisors have access to, to reduce customer effort in getting a response to their contact.
- improved our assurance processes to ensure our customers receive timely, relevant and tailored responses to their contact and we identify trends from customer contact to inform customer service improvements.
- have been developing mechanisms to ensure enquiries and complaints that cannot be answered at first point of contact reach the relevant business area, and to ensure the accuracy of recording this contact.

- liaised with government departments to share best practice and identify areas for improvement.
- have been continuing to expand how and when our customers can provide their feedback following their contact.

Receiving complaints helps us to improve.

In 2024–25, we received 20% more stage 1 complaints than the previous year. Despite this increase, we reduced the number of complaints escalated to stage 2 by over 24%. We continue to improve how we manage and respond to complaints from our customers by:

- setting up Every Customer Has an Opinion (ECHO) surveys for complaints, helping us identify customer expectations for responses to their contact and make continual improvements.
- using our Customer Contact Forum to share best practice.
- attending DfT's Complaints Forum and cross government complaint groups to identify improved ways of working.
- facilitating access to the Parliamentary and Health Service complaint standards guidance and training.
- introducing e-learning for complaints handling to support our people to provide quality responses to customer complaints and to meet the standards set by the Parliamentary and Health Service Ombudsman.
- embedding our quality guidance to support better handling of customer complaints, with fair, open and honest responses that show our customers that we care and that we are addressing their complaints.

Network Rail

This year, there was a marked increase in ICA referrals from us, 21 compared to 12 in 2023–24 – a remarkable 75 per cent increase. This is far more in line with what we would expect for an organisation whose complaints management process is maturing and establishing. Moreover, it suggests that the very unanticipated decrease in referrals in 2023–24 was anomalous, and that we can expect referrals to remain steady in this financial year.

As was to be expected, the vast majority of our referrals were complaints from lineside neighbours about railway work, as well as requests for vegetation and graffiti to be addressed. Referrals were spread across four of our five regions, with only Wales & Western not represented this year. Of the other regions, Eastern and Southern made the most referrals. We can't say whether this is because those other regions resolved their complaints earlier in the process, or whether there is ongoing lack of awareness of and/or adherence to the company's complaint process.

In contrast to the ICA referrals, we received a 25% decrease in the overall number of complaints compared to 2024-24. This may have in part been due to the high number received at the end of last year related to two separate incidents which skewed the figures. When compared to 2022-23 instead, there was only a 6.7% decrease.

In line with previous years, requests for information and requests for us to carry out work dominated the contact we received. Complaints only accounted for 9% of the total contact.

From a wider complaints-handling perspective, we once again hosted a national conference for all our regional community relations teams (who manage most of our incoming complaints) at which advice and best practice on complaints administration and resolution was offered and discussed. We also provided advice and support on a 1-2-1 basis to colleagues on all manner of complaint-handling questions.

Office of Rail and Road – independent Non-Ministerial Department

The Office of Rail and Road is a non-ministerial department that reports direct to parliament not DfT and therefore only reports its complaint data to DfT for information given its role over National Highways and Network Rail and works with DfT including using the DfT ICAs who act independently to both departments to help resolve any difficult complaints and therefore a source of independent resolution for its complainants.

The majority of correspondence received by the Office of Rail and Road relates to concerns about the rail industry and the strategic road network. We aim to respond to 95% of all such enquiries within 20 working days of receipt, excluding safety cases which can often take longer than 20 days to investigate due to the complexity of often multi-part enquiries. This metric is evaluated on a monthly, quarterly, and annual basis.

In the period 2024-25 we received a total of 1,419 general enquiries and complaints. This is a slight increase on the previous reporting year. However, the performance target for 2024-25 has been exceeded at 98%. We received a total of 5 formal complaints directly relating to the way in which the Office of Rail and Road handled an initial enquiry. All these complaints were investigated at senior management level and were responded to within 20 working days.

Vehicle Certification Agency

During the year VCA received 32 complaints that it managed in the Quality Management System (QSM) including one ICA referral.

- There were 11 complaints of those raised that were dismissed as not complaints of VCA services. Feedback after re-routing to the correct agency has been positive as DfT clients appear to appreciate direction.
- VCA took on board the advice from the ICA review given on conclusion of the complaint which was escalated to them. We now continue to ensure published advice is clear but added that new or low user clients understanding is verified periodically in the processes.
- Many of the 21 complaints upheld by VCA related to delays caused by teething troubles and lack of training undertaken by clients of the newly introduced VCA Services Portal. We have considered the feedback against the used communications and webinars, then adapted them for future releases to aid a smooth transition to digital services for our customers.
- Delays due to resource gaps make up much of the remaining complaints. VCA has just completed an 18-month Recruitment and Retention project. In recent campaigns the interview success rate has raised significantly. Internal development programmes will provide colleagues a path to grow in house and for VCA to retain the expertise and knowledge needed to deliver an excellent service to our customers.

Complaints received by Independent Complaints Assessors

The data in Table 2 has been corroborated by the ICAs and each of the named DfT sources, The date cases are referred to, and received, by ICAs is the same as referrals are sent electronically.

Table 2: Number of complaints referred to DfT ICAs

Complaints Referred to the DfT ICAs					
Year	2024-25	2023-24	2022-23	2021-22	2020-21
DfTc	1	0	9	2	4
CAA	5	3	12	6	2
DVLA	286	222	216	162	193
DVSA	68	99	53	136	72
HS2 Ltd	0	0	0	3	4
MCA	3	2	1	3	3
National Highways	40	32	31	34	42
Network Rail	21	12	19	13	2
VCA	1	0	0	0	1
Total	425	370	341	359	323

Complaints to the Parliamentary & Health Service Ombudsman

The Parliamentary and Health Service Ombudsman (PHSO) investigates complaints about the Department and its delivery bodies when referred by a Member of Parliament on behalf of a complainant. Generally, the PHSO will expect the ICAs to have reviewed the matter before they consider investigating.

Where the PHSO believes there is evidence that there has been maladministration, unfair treatment, or poor service, it will investigate the issues, review the remedy provided, and may recommend further actions to resolve the matter. All recommendations made by the PHSO were implemented in the year by the Department and noted as 'complied' (Table 4).

The following table (Table 3) provides an overview of complaints accepted for detailed investigation, investigations upheld or partly upheld, and investigations not upheld or discontinued over the last 3 years (2022-23, 2023-24, 2024-25) for the central Department and those agencies and public bodies of DfT that the PHSO received complaints.

Table 3: Number of complaints investigated, upheld, and not upheld by PHSO

^Completed investigations often occur from cases accepted for detailed investigation in previous years

Organisation	Complaints accepted for detailed investigation			Investigations upheld or partly upheld^			Investigations not upheld or discontinued		
	2024-25	2023-24	2022-23	2024-25	2023-24	2022-23	2024-25	2023-24	2022-23
DfT(department)	0	0	0	0	0	1	0	0	0
DfT ICAs	0	0	0	0	0	0	0	0	0
CAA	1	1	0	0	0	1	1	0	0
DVLA	3	3	1	0	2	4	1	1	3
DVSA	0	0	0	0	0	0	0	0	0
HS2 Ltd	0	0	0	0	0	0	0	0	0
National Highways	1	1	0	1	0	0	0	0	0
MCA	0	0	0	0	0	0	0	0	0
VCA	0	0	0	0	0	0	0	0	0
Total	3	5	1	1	2	6	2	1	3

Investigations into complaints by PHSO into DfT or its public bodies

When PHSO concludes an investigation, it may do so in the year(s) following when it was accepted. In addition, there can be several recommendations made to the Department or its public bodies to resolve a complaint, and the time between the conclusion of an investigation; issue of a report with recommendations, and when those recommendations are complied with or not can fall into a subsequent year.

The following table (Table 4) includes the number of recommendations made by PHSO following an investigation of a complaint and whether those have been complied with over the last 3 years for the central Department and those DfT agencies and public bodies where investigations occurred over the last 3 years.

Table 4: Recommendations made by PHSO and compliance.

DfT centre or DfT Public Body	No. of Cases with Recommendations			No. of Recommendations			Closed: Complied With			Open: In Compliance		
	2024-25	2023-24	2022-23	2024-25	2023-24	2022-23	2024-25	2023-24	2022-23	2024-25	2024-24	2022-23
DfTc	0	0	1	0	0	4	0	3	3	0	1	2
CAA	0	0	1	0	0	4	0	1	4	0	0	0
DVLA	0	2	4	0	3	13	0	1	13	0	1	0
HS2	0	0	0	0	0	2	0	0	2	0	0	0
National Highways	1	0	0	2	0	0	2	0	0	0	0	0